The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

COMMITTEE AMENDMENT ON PAGE 76, BEGINNING ON LINE 10

Mr. NICKLES. Mr. President, what is the regular order?

The PRESIDING OFFICER. The clerk will report the committee amendment on page 76.

The assistant legislative clerk read as follows:

Committee amendment on page 76: Strike lines 10 through 17.

The PRESIDING OFFICER. There are now 3 hours equally divided.

Mr. NICKLES. Mr. President, for the information of our colleagues, if we use all 3 hours, that means we would have a rollcall vote at 12 o'clock, possibly 12:10, maybe possibly yield some time back. Hopefully that will be the case. I know many of our colleagues have inquired when the vote will be. So my guess will be around 12 o'clock.

Am I correct, Mr. President, that the time is equally divided?

The PRESIDING OFFICER. That is correct.

Mr. NICKLES. Mr. President, I will yield to the Senator from Wyoming 5 minutes—10 minutes?

Mr. THOMAS. Five minutes.

Mr. NICKLES. Five minutes.

Mr. THOMAS. Mr. President, I thank the Senator very much.

ENDLESS DISCUSSION AND NO RESOLUTION

Mr. THOMAS. Mr. President, ironically, I use this time to rise to suggest that it has been a little disappointing as to how we use our time, as a matter of fact, and I have been somewhat surprised at the lack of direction that we have had and that we continue to have in this body in terms of moving forward.

It seems to me that clearly was the message we heard in 1994, the message that we always hear as trustees of the people for whom we are here to do some things. And I am disappointed to see what I consider a change of attitude and a change of direction, where rather than to move aggressively forward to solve some issues and questions, we seem instead to be sliding our feet.

The opposition party—it has become that, in fact, an opposition party—should have some ideas and some suggestions and some directions instead of simply saying, ''No, no, we are not going to do anything,'' and that is troublesome to me. I understand that. I understand that is the technique. I understand that is the system. But I do not think it is the right thing to do.

It seems to me that we do clearly have issues we have to confront. They are here. We have to find solutions to them. The idea that we cannot seem to resolve them is very disappointing to me. It seems that each time we start with some sort of a problem we must address, why, we rise and say, ''I am for a balanced budget but,'' and never come to a resolution.

Mr. KERREY. Will the Senator yield?

Mr. THOMAS. Certainly.

Mr. KERREY. I do not understand, Mr. President. This time was reserved to discuss an amendment of the distinguished Senator from Oklahoma to strike language in fact that is authorized in language on an appropriations bill. The Senator from Wyoming is coming to the floor talking about us not having the right direction. I quite agree. I think the amendment itself is an indication why this body takes far too long to reach decisions. And I do not understand, if we are to be discussing the addition of authorizing language to an appropriations bill, why the Senator from Oklahoma has yielded time to the Senator from Wyoming to talk on a matter that seems not to be related to the amendment that he is offering.

Mr. NICKLES. Will the Senator from Wyoming yield?

Mr. THOMAS. Certainly.

Mr. NICKLES. I am happy to yield 5 minutes to my colleague from Wyoming. And just to respond to my friend from Nebraska, we have a 3-hour time agreement. Originally, I requested an hour equally divided. So if the Senator from Wyoming wishes to make a 5-minute speech on some of his thoughts about the inability of the Senate to move, I think that is entirely appropriate and we will have plenty of time to engage in debate on both sides of this amendment.

Mr. THOMAS. I thank the Senator. I will not take time.

I guess this is sort of an illustration of the frustration that I have, that I am willing to share. We went on and on and talked an hour about something yesterday, and we all sat and listened, we all sat and waited, we all sat for the whole evening, and we never came to any solution.

I have to tell you that is pretty darned frustrating in terms of time management and resource management and measuring results. I am not going to intrude in this. I think we should move forward, and I simply come to the floor to share some frustration. As a matter of fact, everyone with ''Yes, I am for regulatory reform,'' comes from that side, but we never get it done. We always have ''but, but we don't want to do it.''

So the philosophy has become, ''Let's don't do it; let's stop it; let's not have authorization for DOD, let's not have authorization for foreign affairs. Let's just say no. Let's threaten to veto everything that comes up.''

I do not think that is a positive way to move, and I simply asked for some time to say it, and now I will stop. But I feel strongly about it. I think that we as trustees of people have some responsibility to make some effort to move. You may not like the result. That is what the system is about. That is why we vote to decide, not to stall, not to filibuster, not to amend to death, not to talk an hour on every topic. I guess I used to be a little frustrated with the rules in the House. I have come to think that was not a bad idea—some limit on the endless discussion and no resolution.

I appreciate the Senator's indulgence, and I simply share a little frustration in terms of us being a little more product oriented in terms of getting some things done in this place.

Mr. President, I yield back the time.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1996

The Senate resumed consideration of the bill.

COMMITTEE AMENDMENT ON PAGE 76, BEGINNING ON LINE 10

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, to get to the amendment that we have at hand, the House-passed Treasury, Postal appropriations bill had language that said no funds would be used to pay for abortions as a benefit for Federal employees. This was the policy of our country from 1984 to 1993. It was reversed by the Clinton administration.

I might mention it was reversed after heated discussion and debate in the Senate, in which it was decided by two votes. The side that prevailed in that vote, the Clinton administration, said that we should have taxpayers' funds used to subsidize abortion for Federal employees. Many of us fought to maintain that prohibition. We felt that Federal employees should have rights, should have benefits, but we did not think a benefit should be included for abortion to be subsidized, the majority of which is paid for by taxpayers. If they wanted to get an abortion, that is their right, they can purchase it. It costs about $250. But we did not think that taxpayers should have to subsidize it. And so that is the reason why we tried to maintain the prohibition which had been in effect from 1984 up until 1993.

The House reinstated that prohibition. The committee amendment struck that prohibition. The amendment we have right now says we disagree with the committee amendment. We would like to have that House language in there. We may want to modify it. I may want to modify it. The Senator from Maryland may want to modify it. But I would like to at least have that language in so we are going to say in effect that we will not use taxpayers' funds to pay for abortion for Federal employees.

My reason for yielding 5 minutes to my friend and colleague from Wyoming is it does not take that long to say it. It is pretty simple. It is something most everybody has voted on. I know it is a tough issue for a lot of people. It is a very serious issue. It is an issue because we are talking about life and death. It is an issue which says what should be in a fringe benefit package. You have a lot of things—all employees do. Most employees have health benefits, and they may have vacations and pensions and days off, and so on. Those are a package of benefits. Should that package of benefits include the right to an abortion? I do not think so, especially not subsidized by the taxpayer, especially not when we ask taxpayers right now to pay 72 percent of the cost, 60 percent of the premium. Should taxpayers have to pay for that?

Remember what we are talking about. We are not talking about dental exams or medical checkups. We are not talking about annual physicals. We are talking about an abortion. Should taxpayers have to pay for that? I do not think so. And that was the policy of this country for 10 years. It was reversed by the Clinton administration—I think a serious mistake, a serious mistake, again, one that deals with life.

Should people be able to go down and say, ''Well, I want to get an abortion. It is covered by my insurance policy. I know it is paid for by the taxpayers, the majority of it is. I can get one. Here is my card.'' And so the person getting one maybe pays very little, if anything. That is a fringe benefit provided for by the Federal Government. I do not think abortion should be a fringe benefit provided for by the Government. It is really just about that simple.

It is serious. I respect my colleagues on the other side who have a difference of opinion. They feel very strongly. I happen to feel very strongly. A lot of people—I think a majority of Americans, if you ask them the question, do you support abortion? Maybe one way or another. But, do you support taxpayers paying for it? I think a strong majority of Americans say, ''No. Don't use our dollars in that way. If somebody wants to get one, maybe that is their right. Let them spend their own money. But don't have it part of the Federal employee benefit package, which basically makes it a fringe benefit.'' That is what the issue is about.

I hope that my colleagues will concur and join me in supporting the House language.

I yield the floor and reserve the remainder of my time.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I believe the distinguished Senator from Nebraska has designated me as the controller of time on this amendment.

Mr. KERREY. That is correct, Mr. President.

Ms. MIKULSKI. Mr. President, I yield myself 10 minutes.

I rise to support the committee amendment and oppose any motion to table, and would like to thank the Senators—both the chairman of the subcommittee and the ranking member—for their wise position on this, which is essentially for the committee amendment to be silent on the issue of the nature of health care services. To deny women who work for the Government access to abortion or reproductive services through their health care plan is inconceivable to me and it is inconceivable to the Federal employees.

First, abortion is legal in this country. This motion to table, if adopted, denies women access to medical services that are not only legal in the United States of America, but are protected under the Constitution. We are all familiar that the Supreme Court has held for the past 20 years that it is a woman's fundamental right to decide whether to terminate a pregnancy. And that is left to a physician and to the pregnant woman. Currently Federal employees, like workers in the private sector, are permitted to chose a health care plan that covers a full range of reproductive health services, including abortion.

Now let me give you an analysis from the National Women's Law Center on this issue.

First, the Federal employees health benefit plan does not generally dictate what benefits must be offered. So there is no health plan that determines the medical procedures. The Federal employees health benefit coverage, which takes care of 9 million Federal employees, allows them to choose between 345 different health insurance packages branching from fee-for-service plans to HMO's. By and large, Federal law is nondirective about the scope of benefits which must be provided, leaving it to the individual plans to decide what benefits are offered to employees to determine what packages best suit their health needs. That is the way it is, and that is the way it should be. And that is the way it should continue to be.

In the fee-for-service plans, they have very general and nonspecific requirements. They must provide benefits for cost, associated with the care and general hospital and other health services of a catastrophic nature. They may provide hospitals, surgical, medical, ambulatory, prescription drugs, and so on. So there are a lot of ''mays'' in the fee for service.

In the HMO's, the requirements are more specific. Certain benefit categories must be covered: physician and outpatient, inpatient, x ray and emergency, and some mental health and substance abuse services. Preventive health services are allowed, like family planning, child care, and immunization.

Under the Federal employee benefit package, abortion is treated like any other health benefit. Plans are allowed but not required to provide abortion services. That means if you wish to have a plan that does not cover abortion, you may chose that plan. If you wish to have a plan that does cover abortion, you can have that plan. That is the way the law is, and that is the way we would hope it would continue to be.

Under current law, the FEHBP permits health insurance plans to treat abortion services as they do any other health benefit. They may, but are not required, to provide health insurance coverage. Plans, not Federal policymakers, determine the specific benefit package. A ban on abortion coverage under FEHBP is inconsistent with the treatment of other health services which, under most health plans, are included or excluded according to the decision made by the plan and what you want. So that it is not the Congress that decides; it is the plan and the employees who decide.

I think we ought to leave it like that. I do not think Congress should treat abortion different than any other medical service that is medically necessary or medically appropriate. In 1993, I worked hard to ensure that the Federal employees health benefit package would permit, but not require, coverage for abortion. Barring abortion coverage for women working for the Federal Government and their families denies these individuals a health benefit that would be provided through the private sector. Over two-thirds of private health insurance plans and 70 percent of the HMO's readily cover abortion services.

Restricting a Federal employee's health plan is an arbitrary taking of a Federal earned benefit package. Like wages, health benefits are compensation for Federal workers. Abortion restriction effectively reduces the compensation package and treats it differently than any other health issue.

The legislative history shows that the supporters of abortion restriction have as their goal the elimination of the right to reproductive choice for all women. This is a turning back of the clock of reproductive health and women's fundamental right to reproductive choice. We have been here before. Previous debates on abortion and FEHBP reveal that the ultimate goal of the proponents of the abortion ban is to extinguish the legal right to abortion altogether.

I urge my colleagues to defeat the motion to table, and I will work, as the day proceeds, to ensure that.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes of her 10 minutes left.

Ms. MIKULSKI. I will yield that back, reserving the right the call it back again under the time I may control.

I now turn to the ranking member of the subcommittee and yield him 5 minutes.

Mr. KERREY. Mr. President, let me alert colleagues of what is going on

here. When the majority leader and the Democratic leader approached Senator SHELBY and me about our bill, the first question was what sort of time agreements were we going to be able to work out? We hoped we would work out an agreement on this particular matter. Unfortunately, that is now no longer the case. So, instead of having a single vote at noon with the possibility that all of the votes—I have been working with other Members who have amendments—possibly the votes being stacked Monday morning, unless we can work out an agreement here this morning, it is possible that we could be debating and having many other amendments on abortion here all the rest of the day.

Mr. President, this really is an issue about beliefs, very strongly held beliefs. If you believe that from the moment of conception you have a human being, you reach the conclusion that abortion should be made illegal.

I do not know what the distinguished Senator from Oklahoma—I actually have not been on the floor engaged in this particular debate before, but I have on many occasions in townhall meetings. It is a difficult issue. I reached the conclusion that from the moment of conception, it is not human life and that, indeed, a woman should be allowed to make a choice, to make her own decision.

I support legal abortion. I support the Supreme Court's decision in 1973. And thus, it seems to me, as long as it is the law of the land—it may be that those who have strongly held beliefs that abortion should be made illegal, maybe some day they will ban abortion in the United States and make it illegal—but as long as it is legal, it seems to me our employees, if we are going to have insurance as a fringe benefit, which we do—we have insurance we provide to employees of the United States of America, those men and women who wear our uniform in the Army, Navy, Air Force, Marine Corps, and Coast Guard, those men and women searching for a cure for cancer out at the National Institutes of Health. Turn on your television and see the space shuttle hooking up with the Mir spacecraft, those are Federal employees. When you see Federal employees doing various things for the people of the United States of America, they are working for us. And we provide health insurance as a fringe benefit.

They have a choice with that purchase whether or not they want to have a health insurance policy that provides abortion or, if it is an act of conscience, they can say, ''No, I don't want my health insurance to provide that.''

But it seems to me as long as a majority of the people of the United States of America say that abortion should be legal, that when we hire people we ought to provide them with fringe benefits and it allows them to purchase according to what they want to purchase, what their conscience says.

So it seems to me this is a very straightforward issue. It should not take hours and hours and hours and hours of debate. I think both sides of this debate agree with that. If you believe abortion should be legal, then our employees should be able to have health insurance as every other employee of the United States of America does. That is why both the chairman and I found the general provisions that were attached by the House of Representatives to be incorrect.

In addition, if you care about procedure, and the distinguished Senator from Wyoming earlier came to the floor talking about being frustrated because we do not get things done, one of the reasons we do not get things done is because we are always coming and attaching authorizing legislation to appropriations bills or ignoring the law of the land.

The President has already threatened to veto this bill for this reason, and many others, mostly having to do with the Internal Revenue Service. This bill is likely to be vetoed anyway.

I hope Members come down here to keep the House language out, as long as abortion is legal. As long as we are having to hire people to work for the United States of America, it seems to me that we should not be eliminating a legal procedure.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments made by my friend, the Senator from Nebraska. I might mention, I believe Senator SHELBY is supporting this amendment, to make that clarification. I also would like to make a clarification that we are not passing authorizing language on an appropriations bill. The appropriations bill tells how we are going to spend money. This language basically says, ''no money appropriated by this act should be able to pay for an abortion or administrative expenses in connection with any health plan under the Federal Employees Health Benefits Program which provides any benefits or coverage for abortions.''

It deals with money. How are we going to spend money. Are we going to subsidize abortion or are we not? These are taxpayers' dollars. So this is not an authorization. This is how we are going to spend money. Are we going to fund abortions or are we not? We are going to have the same language, the same amendment, I might——

Mr. KERREY. Will the Senator yield to answer a question so when we debate this, I have an understanding? Like I said, this is the first time the Senator from Oklahoma and I have stood nose to nose on this. Does the Senator believe abortion should be illegal?

Mr. NICKLES. Let me respond, I do not think we should spend money for abortions. That is what this amendment is. We do not have to get into a general philosophical debate on abortion. I will be happy to talk about that at a different point.

My point is, I do not think funds should be used to subsidize abortion. I heard people say maybe it should be legal, maybe not legal; maybe we should overturn Roe versus Wade. We are not doing that.

The issue is, should we be spending funds to subsidize abortion, should it be included in fringe benefits in health care plans. We are going to have this on HHS, Medicaid, the so-called Hyde language: Should we use Federal funds to pay for abortions for low-income people?

Everyone who has been around here—most of us pretty much are veterans, there are a few people who maybe have not voted on this in the House or Senate, not many—most of us have wrestled with this.

My colleague said something about time. I said I am happy to have an hour equally divided. This Senator is not trying to hold anything up.

But we do have a legitimate right on an appropriations bill to decide how money is spent. Some of us feel strongly that abortion is wrong. Some of us feel very strongly that abortion destroys the life of an innocent human being and we should not pay for it. We think it is wrong, and it is doubly wrong to subsidize it by U.S. taxpayers. In this case, the taxpayers pay 72 percent of it.

So we have a couple of legitimate debates. One I want to mention again. This is not authorizing language. This is not language coming in trying to overturn Roe versus Wade. It is not coming in trying to make abortion illegal. This is language saying we should not pay for it, it should not be a fringe benefit in health care plans, and that is legitimate for an appropriations bill. We are going to have it also on Labor-HHS under Medicaid.

We were going to get into this last year if we had President Clinton's health care bill, because he had a package of benefits. I told my colleagues before, when that comes up and he wants to have a defined package of benefits—and we know President and Mrs. Clinton wanted to have abortion as a defined benefit available to everybody in America—that many of us were going to object because we think abortion is wrong. We do not think it is just another medical procedure. It is not. It is not a cancer. It is not a sickness. It is destroying the life of an innocent human being. It is fatal. It is deadly. Many of us do not think we should be paying for it, certainly not subsidizing it and forcing taxpayers to subsidize it. So that is what this issue is about.

Mr. KERREY. Can I ask the Senator from Oklahoma, Mr. President, does the Senator from Oklahoma feel the same way about tax deductibility of insurance, that we should strike the right of business to deduct insurance if their employees have an offset against FICA? We are basically subsidizing

abortions there, if that is the conclusion that he has reached about Federal employees.

Mr. President, I ask the Senator from Oklahoma if the same argument that he used against Federal employees being able to use insurance for, not to subsidize abortion, but to purchase a service that continues to be legal—it continues to be legal in the United States of America. I do not know, again, whether the Senator from Oklahoma feels that abortion should be made illegal, but until a majority of Americans feels abortion should be made illegal, it seems to me our employees should have the option to purchase insurance that contains it.

I ask the Senator, does he think tax deductibility should be eliminated against businesses offsetting FICA? That seems to me, as well, that would be a subsidy.

Mr. NICKLES. Mr. President, is the Senator's question on his time?

The PRESIDING OFFICER. It is on his time.

Mr. NICKLES. I will be happy to respond. Mr. President, there are a lot of things that are legal that we do not have to subsidize. There are a lot of things that may be a legitimate legal business expense——

Mr. KERREY. I will be happy to allow the Senator to answer on his time.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. KERREY. I object. If the Senator is going to give an answer to my question, he can do it on my time. If it is going to be a speech on something else, it should be on his time.

The PRESIDING OFFICER. Senators should suspend. The answer is on the time of the Senator from Oklahoma. The question was on the time of the Senator from Nebraska.

Mr. NICKLES. I appreciate the Presiding Officer. Mr. President, I will be happy to respond and comment. There are a lot of things that are legal. There are a lot of things that are legal today that may be expensed by a business. That does not mean they should be expensed by the Government or subsidized by the Federal Government.

As Congress, we are kind of the chairman of the board for the public domain, for Federal employees, and it is our responsibility to decide what is a legitimate taxpayer expense. We have a responsibility of how to spend the money.

I will tell my colleague from Nebraska, I ran a corporation and I purchased health insurance for our employees. Abortion was not a benefit. Abortion was not and has not been—it is debatable now how prevalent it is in the private sector. That information is not readily available.

But we make the decision for public employees. We set public policy in Congress. We decide how the money is going to be spent.

There are a lot of things that are legal, but we do not subsidize all of them and certainly we should not. I think certainly we should not be subsidizing something that may be legal, but when it is involving destroying innocent human beings, I feel very strongly we should not subsidize it.

That is what this amendment is about. This amendment is not what is legal in other private health care plans, or about overturning Roe versus Wade. This is not anything about restructuring constitutional amendments or anything like that. This is how are we going to spend Federal money and whether we are going to use taxpayer money to subsidize the destruction of innocent human beings. I think that we should not. That is the purpose of this amendment.

Ms. MIKULSKI. Mr. President, I yield the Senator from Pennsylvania 10 minutes from our time. I believe he has 10 minutes from the Republican leader's time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. I thank my colleague. She accurately states I have 10 minutes under her control, and the distinguished majority leader has allocated his leadership time of 10 minutes today. I will utilize the time offered by the distinguished Senator from Maryland at the moment.

Mr. President, today's debate is about abortion. It is one aspect of what I would characterize as a systematic effort to eliminate the constitutional right of a woman to choose.

The distinguished Senator from Oklahoma and I came to this body after the 1980 elections, and our relationship has been an extraordinarily good one. I have great respect for the sincerity of his beliefs on this subject. My own views are that, as far as governmental action is concerned, it is the decision on a broad picture which has been made by the Supreme Court of the United States.

My own personal views are that I am very much opposed to abortion, and I have evidenced that with my support for funding for programs for abstinence, to try to perhaps eliminate or reduce, as much as possible, premarital sex, especially among young people, leading to so many teenage pregnancies, and my support for tax benefits for adoption carrying to term. When it comes to the role of the Federal Government, it is my view that it is not a matter of the Federal Government to control abortions.

Since it is a constitutional issue, I think the father of modern conservatives, Barry Goldwater, a former colleague in this body, articulated it best when he said, ''We ought to keep the Government off our backs, out of our pocketbooks, and out of our bedrooms.'' If the real conservative view is that less government is the best government, then where is government more intrusive than in the bedroom?

The Supreme Court of the United States has made fundamental constitutional doctrine which governs the law of the land, and that is that a woman has the constitutional right to choose an abortion. And it is not Roe versus Wade which was decided in 1973, but the more recent decision of Casey versus Planned Parenthood, decided in 1992, an opinion written by three Justices appointed by conservative Republican Presidents, three Justices who were Republicans—Justice David Souter, Justice Sandra Day O'Connor, and Justice Anthony Kennedy. I say they were Republicans. Perhaps they still are Republicans, but in the judicial robes it is a nonpolitical function. But I think it is important to articulate that proposition that what we have here is a 1992 decision, with Justices appointed by conservative Republicans.

Mr. President, there is more involved in the pending issue than to eliminate health care plans sponsored by the Federal Government from having abortion rights. This is a systematic effort to have a meltdown on women's rights, and it is a meltdown from A to Z, characterized by the chart which I have had prepared.

This chart is captioned ''Dismantling a Woman's Right to Choice, from A to Z.'' It demonstrates a national campaign to dismantle a woman's right to choose when there has not been success in a constitutional amendment to ban abortion. There are these systematic efforts, A to Z. The one we are debating today comes under ''M.'' It is a mandate that Federal employee's insurance exclude abortion coverage.

Bear in mind, Mr. President, that a substantial part of the premium payments are paid by the individuals involved. Why not allocate that to the abortion clinic? We have here starting with A, to amend the Constitution to abolish a woman's right to choose; B, ban Federal funding for abortions for women in Federal prisons; C, to cut off funding for family planning. And so it goes, all the way down to Z, which is to zero out the tax deduction for expenses incurred for pregnancy termination.

When you take up ''B,'' Mr. President, it is banning the Federal funding for abortions in women's Federal prisons. What is a woman to do in a Federal prison when she is raped and wants an abortion? Under the provisions of the ban, there would be no abortion.

We debated very extensively on the floor of the U.S. Senate the confirmation of Dr. Henry Foster. I say to you, Mr. President, that was not one of the better days in the U.S. Senate. Here we had a man who was practically run out of town on a rail, denied confirmation because he had done one thing—performed medical procedures, abortions, which were authorized under the U.S. Constitution. It is very difficult to get good people to come to Washington to serve. And it is understandable that people do not want to come to this city when they are not given their day in

court or on the floor of the U.S, Senate, because, simply stated, they perform medical procedures, abortions, permitted under the U.S. Constitution.

There are many matters which are now pending and which will be coming to the floor of this body when other bills are taken up. The issue on banning funding for women in prison will come up on one appropriations bill—on judiciary. I serve as chairman of the Appropriations Subcommittee on Labor, Health and Human Service, and education, and there are a number of issues which will come to the floor when that matter comes here.

I suggest to you, Mr. President, that when we take up these issues and have such extended debate on them, as we did on Foster before, as we are doing today on Federal health care programs, as we will be doing on many, many issues, that we could better be spending our time on wrestling with the very difficult issues which are in line with the mandate of the 1994 election. We were sent here—the 104th Congress was elected, Mr. President, to deal with fundamental issues. There was a revolution in November 1994, and the mandate at that time, as characterized by the Contract With America, was to return to core values—that is, to cut the Federal Government, to reduce spending, to reduce taxes, to have a strong national defense, and to have effective crime control.

There is not a word in the Contract With America about abortion. There is not a word in the Contract With America about any divisive social issue. We were in the process last night until midnight debating the defense authorization bill, which I suggest is a matter of overwhelming importance where we decide what our priorities should be on national defense. And that bill has been removed from consideration by the Senate, so that we can take up this issue today.

I suggest, Mr. President, that our time would be better spent if we had continued the debate on national defense. We have very vital issues as to how we are going to be allocating the Federal dollars. I am very much concerned, Mr. President, that we move on the glidepath to have a balanced budget by the year 2002. That is going to be a very difficult matter to decide and debate and to make the tough decisions on.

There is grave concern about Medicare. I think it is very important that we preserve the benefits for the senior citizens in the United States under Medicare. There are major considerations with what the House has done on limiting funding for education, for Head Start, for scholarship programs. I suggest that that is a major issue we ought to be taking up. We have important considerations on the National Institutes of Health as to what we are going to do on health issues, matters which I submit are really the core issues on the mandate for this Republican Congress from the voters in 1994.

What we are saying here is a basic constitutional issue which has been decided by the Supreme Court of the United States, and however you may slice it, however you may refine it, it is still a frontal attack, a virtual meltdown, on women's rights, from A to Z.

This particular one comes in at ''M,'' the mandate that the Federal employees insurance should exclude abortion coverage.

It would be my hope, Mr. President, that we would reject the amendment which is offered by the distinguished Senator from Oklahoma, recognizing the sincerity of his views, but recognizing the law of the land in the United States is established by the Supreme Court of the United States. The Supreme Court of the United States has upheld the constitutional right of a woman to choose.

If that is to be overturned, under the provisions of our Constitution, we know how to do it with a two-thirds vote here and in the House and ratification by three-fourths of the States.

What we are seeing is a systematic meltdown, a systematic dismantling of a woman's right to choose. I reserve the balance of my time.

Ms. MIKULSKI. I yield 7 minutes to a member of the Appropriations Committee, Senator MURRAY.

Mrs. MURRAY. Mr. President, I rise today in opposition to the Senator from Oklahoma, and in support of civil servants' full access to reproductive health care, including abortion services.

The other body has recently taken a major step backward for women throughout this country. In its version of the fiscal year 1996 Treasury-Postal appropriations bill, the House denied all civil servants the right to chose health insurance programs that provide abortion services.

By reversing previous congressional action providing full access to reproductive health services for women in Government, the House has once again cast a long shadow over a woman's right to sovereignty over her own body. I believe this action was wrong, and I believe the U.S. Senate has a responsibility to take a much more thoughtful approach to making major policy shifts in the appropriations process.

Civil servants, like most Americans, obtain their health care services through their employment. Like me and many people I know, they personally pay a part of their insurance premiums, and their employer—in this case the Government—pays the balance. I believe these people, like most Americans, should be able to choose their own insurance, and use any of the services offered by that insurance.

Civil servants are no different than any other American; why should they be treated differently with their health insurance. They are regular people: The air traffic controller, the bridge engineer, the customs agent, secretaries, maintenance workers. These are regular Americans, and probably our neighbors.

Mr. President, most private sector working people have ready access to reproductive health services. Major insurers such as Aetna, Kaiser Permanente, and Blue Cross/Blue Shield provide this coverage. I believe women who work in the Government should have the same choices in health coverage enjoyed by women in the private sector. Aside from being a matter of consumer choice, access to reproductive services is the law of the land, and should apply even within Government and without.

This is not a shocking or unreasonable position. There is broad support within the Federal work force—and more importantly, within the country—for consumer choice in health insurance. Every union representing Federal employees has endorsed access to abortion services in the Federal Employees Health Benefits Program.

There are 9 million Americans covered by the program, including at least 1.2 million women in the prime of their lives. These women rely on the program; it is their only source of health insurance protection. They, like every other woman in America, are entitled to make their own choices about whether and when to bear a child. As I said, that choice is a fundamental constitutional right.

The other body is once again trying to turn the health care choices of women in Government into a political football. This is micromanagement of the worse kind, and it is wrong. The U.S. Congress should not be making reproductive health choices for Federal workers. Nor should it discriminate against Federal workers who choose to have an abortion.

By denying women employees health coverage for abortion services, Congress would be doing just that. It would force female workers and their families to purchase separate insurance to cover reproductive health services. This would amount to a major wage reduction, and worse, it would be discriminatory.

Mr. President, the suggestion of the Senator from Oklahoma that we reject the committee amendments in this case is not a reasonable one for women, whether they are in Government or not. The action of the House represents a major policy shift.

Two years ago, the Congress voted to give civil servants the choice. Millions of workers and thousands of families have since made health care decisions based on that action. If we backtrack now, we will throw these families into uncertainty once again about their options for health care, family planning, and household finances. Haven't we gotten beyond this?

I have heard on this floor over and over again this year that people know best; that families know best; that Government needs to get out of people's lives. I could not agree more. Why is it then, that some in this Chamber continue to insist on injecting the Federal Government into people's personal

lives, into their bedrooms, and into their health care decisions?

Let me conclude with a personal story. My personal awakening to the abortion issue came when I was in college. Back then—and it was not that long ago—abortion was not legal. A friend of mine was date-raped, and she became pregnant. Wracked with fear, she was forced to have a back-alley abortion. The damage done to her during that procedure has prevented her from ever having children. I want to ensure that no other woman in this country, including my own daughter, has that experience.

I urge my colleagues to support the committee amendments, and reject a motion to table.

I yield my time back to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Maryland has 63 minutes, the Senator from Oklahoma has 73 minutes.

Ms. MIKULSKI. I yield 5 minutes to the Senator from Maine, Senator SNOWE, a colleague from the House. We welcome her on this.

Ms. SNOWE. I thank the Senator for yielding and appreciate her efforts here today because I think it is critically important to the issue that we are debating and will determine the Senate position.

I hope that we do not adopt the House position. I believe it is regrettable that we have even reached this point because, in effect, what we would be doing by accepting the House position is to further subjugate women's lives and the health of Federal employees to a new standard—a lower standard.

I agree with Senator SPECTER, who has said that it is about one ban after another, after another ban, in attempts to do legislatively what the courts have failed to do judiciously—to roll back, gut, water down, strip away a woman's right to choose.

Now, we will talk about the issue at hand today. It is about changing the status quo of health care for female Federal employees in America. It would not take them a step forward. It would take a giant step backward.

It would prohibit Federal employee health benefit plans from covering termination of pregnancies in all instances, even in cases of rape and incest. So a Federal employee could not make that determination, even in the cases of rape and incest.

It does not allow a female Federal employee to make that decision on her own—a personal, moral decision, and, yes, a very difficult one at that.

What we are saying here today is that the power of the purse of Congress ought to penalize a large number of women who work in the Federal Government from making their health care choices.

It is going to provide a serious financial handicap to a lot of families if they have to make that decision, because there are a number of Federal employees who are at or below the poverty level. Mr. President, 25 percent of the Federal employees earn less than $25,000, and 18,000 Federal employees are at or below the Federal poverty level.

Now we are saying, ''We are sorry, you cannot make the choices about your health insurance.''

We are telling 1.2 million women who work for the Federal Government that you cannot have the same access to health care choices as your counterparts in the private sector. There are 78 million women in the private sector who have those choices. The fact is, two-thirds of the private sector fee-for-service plans offer coverage for an array of reproductive choices; 70 percent of health maintenance organization plans provide reproductive choice coverage. Mr. President, 178 of the 345 health care plans that are offered to the Federal employees offer this choice. Four of the five major plans do so.

But now we are saying we are going to distinguish a woman's right to choice by virtue of whether they work in the private sector or for the Federal Government, and that is what is wrong. We are denying the women who work in the Federal Government their constitutionally protected right, that has been affirmed and reaffirmed by the highest court in the land. It is discriminatory, it is unfair, it is inequitable.

Federal health insurance is one form of compensation to Federal workers. They have earned that. They get their salary, they get their health care, and they get their pension coverage. It is not a Federal allowance. It is not a handout. It is something that they have earned and has been decided upon through an employment agreement. What is to distinguish from the fact that we say, ''Well, Federal salaries are supported by taxpayers, therefore we are going to say that you cannot use your Federal salary to make your choices with respect to reproductive health care?'' What is the difference? There is none.

Should we not allow Federal workers to make the decision about what kind of health insurance they have? I think so. I think they ought to be able to make that decision. Congress should not make that decision. The Federal Government should not make that decision for them. It is a personal decision. It is a constitutionally protected right decision.

So I hope we will not accept the House language, because it is regressive. It is penalizing to the 1.2 million women who work for the Federal Government. It is singling them out and denying them the same rights of freedom of choice as those women who work in the private sector.

I hope we reject the House position. We cannot underestimate the consequences of this decision. There is a lot at stake here. It is about the rights of Federal employees, not to mention the reproductive freedom of women who work for the Federal Government.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments made by several of my colleagues and I appreciate their positions and the sincerity with which they hold those positions. But let me just make a couple of points.

I have heard a couple of our friends say, ''If we adopt the House language we are denying a constitutional right.'' I disagree. There is nothing in the Constitution that says taxpayers have to pay for abortions. It is not in there. You can read the Constitution up and down, it is not in there. Taxpayers do not have to pay for abortions. There has not been a constitutional amendment that says, ''Taxpayers, you have to pay for it.'' So we are not denying people their constitutional rights.

I have heard colleagues say, ''It should be their personal decision.'' It should be their personal decision with their personal money, not with taxpayers' money. Sure, if they want to use their own money, they can use their own money. There is nothing in our language that says Federal employees cannot use their own money.

Abortions are not very expensive. They cost about $250. You can get them pretty quickly. You can be in and out in an hour or two. They can use their own money to do that. Most Federal employees are pretty well paid, they can probably afford that. We have to remember—how easy do we want to make this? Do you want to have it paid for by the Federal Government, the Federal Government paying 72 percent of this, the cost of health insurance, turning it into a fringe benefit?

I want Federal employees to have decent benefits as well. But I do not think that benefit should include the destruction of a human life and I do not think it should include taxpayers paying for it. If they want to make that decision with their own money, that should be their decision with their own money. It should not require Federal subsidies.

They should have that right—I guess under present law they have that right, or present interpretation of the Constitution they have that right. I am not arguing with that. Some people want to debate that. Maybe we will debate that another day.

What we are arguing about is Federal taxpayers' money. We are not undoing the Constitution. I heard people mention financial handicap. It should not be easy to get an abortion. If you make this a standard fringe benefit item, readily available, Uncle Sam is picking up 72 percent of the cost, you get one in an hour or so—done. Maybe the out-of-pocket costs, I do not know, maybe it depends on the plan—maybe it is only $20 or $40. Just destroy a human life, be out tomorrow—be out in an hour. And we are destroying the life of

a human being created in the image of God. I think that is a serious mistake and there is nothing in the Constitution that says taxpayers have to pay for it.

I reserve the remainder of my time.

Ms. MIKULSKI. I yield 5 minutes to the Senator from California, Senator BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend from Maryland for giving me this time and for her leadership on this issue. I hope the men and women of America are listening to this debate, are watching this debate. I hope they not only listen to the arguments but they pick up the tone of voice that is used—the tone of voice that is used when talking about the women of this country.

Women who are employed by the Federal Government work hard. They pay 28 percent of their health premiums out of their own pockets. And when it comes to their health care coverage they deserve the same health benefits as women who work in the private sector. They do not deserve to be lectured to by U.S. Senators who wish to make their own personal and private decisions for them.

Oh, $250 is not a lot for a certain Senator who says it is not a lot for him. That is fine. Maybe it is a lot more to someone else who may earn $18,000 a year here. By the way, we have people who earn $18,000 a year here. You just tell them $250 is not a lot of money. That is disrespectful. That it elitist. And what if there are complications and it costs $1,000? And what if there are serious complications in the situation and it costs $2,000? Senators who earn an awful lot of money have no right to treat other people that way.

Mr. President, this is the beginning of a debate that is going to last a long time, not only today but many days, because it is an attack on the rights of women. There are enough people in the Senate who understand that, and who are not going to allow it to go by because what is at stake here is a much larger vote than the vote that we face.

Those who push this know they cannot win a vote to criminalize abortion. That is what their agenda is. We know it. We have heard it. Constitutional amendments outlawing abortion, that is what the agenda is around here. Let us face it. But they cannot win the vote. They cannot win a vote to arrest doctors and nurses and put them in prison and arrest women and put them in prison, so they go after the women they have power over, the poor women, who are on Medicaid—those are the most powerless—and the Federal employees, who they have control over.

Mr. President, 1.5 million women, in this case Federal employees, and their dependents—yes, this matter deals with life. It deals with the lives of Federal employees. And to call health insurance a fringe benefit is another out-of-touch statement. I think the Senator from Maine addressed that very, very well.

Listen to the tone in the voice when talking about this issue as if it was an easy choice. Oh, women will go to doctors, just in and out, make this decision, make this choice, go home as if it was some easy choice. It always amazes me when men, in particular, who oppose the women's right to choose, talk about it like it was going to the store to pick out a dress. That is an insult to the women of this country. This is a painful choice. This is a choice made with one's God. This is a choice made with one's family. This is a choice made with one's physician. And to talk about it as if it was not even a problem or a difficult decision is an insult to the women of this country.

When we get to the welfare debate, I hope we hear the same compassion for little kids who are undernourished and impoverished as we do for fetuses in the early days of a pregnancy. There is a politician in the House who said those who are against the women's right to choose are all for your right to be born, but after that you are on your own.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mrs. BOXER. May I have 2 additional minutes?

Ms. MIKULSKI. I yield 2 minutes with pleasure to the Senator from California.

Mrs. BOXER. Thank you very much.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I hope we hear the same compassion we hear for a fetus in the first few days as we hear for those babies who need the WIC Program, who need the Head Start Program. But do you know what I am going to hear from the same people? ''Give it to the States. Let the States decide.'' For those little kids—let the States decide. Let 50 different Governors and 50 legislatures decide. We do not have to decide here if a kid can go hungry. But we are going to decide, by God, what women, who happen to work for the Federal Government, do with their own bodies. Because $250 is not a problem. Well, it may not be a problem for some Senators, but it may be a problem for some Federal employees.

We cannot turn the clock back. We fixed this problem in 1993 and said at that time that women who are Federal employees will be treated like women all over the country. To go back on that would be wrong.

Is this a pattern that I see developing here, women who the Senate can control will be treated differently than women anywhere else? If it is women involved in an ethics case, they cannot come forward in a public forum. If it is women who are Federal employees, they cannot go forward and exercise their right to choose. What is next? What is next?

So I am proud to stand with my friend from Maryland, and I hope she prevails. And we will stay here as long as we have to until we win this battle.

I yield my time back.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Before I yield to the Senator from New Jersey, I note that the Senator from Oklahoma is both the manager of his time and now he is the Presiding Officer. Is it, therefore, the Senator from Oklahoma's—and I speak to him now as a Senator from Oklahoma——

The PRESIDING OFFICER. The Senator may proceed.

Ms. MIKULSKI. Are you temporarily in the chair so that Senator— I did not know if you were going to be there for a whole hour.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I yield to the Senator from New Jersey 10 minutes, and at the conclusion of his remarks, I will presume the Senator from Ohio will speak.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am proud to stand with my colleagues in the U.S. Senate, not coincidentally relatively new Members, who frankly, to use the expression, have changed the complexion of the place. And by that I do not mean the exterior. I do not mean the facial makeup. I am talking about integrity, I am talking about honesty, and I am talking about understanding that they represent the majority of people in this country. And, yet, there is a move afoot to tell them how to behave.

I rise in support of the committee amendment and to support a woman's right to choose.

Mr. President, the opponents of this committee amendment are trying to take away the right to choose from our Federal employees and their families.

The current Federal employees health system allows women to choose the type of health plan that suits them best. They can select a plan that includes abortion coverage. Or they can select a plan that does not. It is their choice. But the opponents of the committee amendment want to take away the right under a legitimate Federal health plan from getting abortion coverage.

The opponents of those rights for Federal employees, citizens, like any other, want to effectively take away the right to choose for 1.2 million women of reproductive age who rely on a Federal health plan for health coverage.

In doing so, they are proposing to discriminate against a certain class of women. They are saying that if you work for the private sector you can get complete reproductive health care coverage.

But if you work for the Federal Government you cannot. We forget that they have the same rights as any other citizen.

Mr. President, many people around here are deeply committed to eliminating a woman's right to choose. And we

have already seen how far they will go to pursue their agenda.

In June of this year, a minority of Republicans blocked a vote on the nomination of Dr. Henry Foster to be Surgeon General. They brought down a man who had spent 38 years delivering health care to poor people, delivering babies by the thousands. But a minority defeated him just because he had performed other legal and obligatory procedures for his patients as long as it was not against his conscience, and obviously he was a forthright physician who knew that he had a responsibility first to the health and well-being of his patients.

Dr. Foster's nomination became the first of the Republican primaries way in advance of New Hampshire or Iowa. The cloture votes were not about Dr. Foster's qualifications; they were about who could pander most to groups who want to outlaw a woman's right to choose in this country—nothing more, nothing less.

Mr. President, about 70 percent of the American people believe a woman should have the right to choose what to do with her own body. Yet many in Congress listen only to a narrow segment of the population whose views are radically outside the mainstream. And they seem intent on imposing their views on everybody else.

In that light, I would just like to remind my colleagues of what the Republican Party platform says about a woman's right to choose.

It is pretty bold, and it was not a hidden statement: a ''constitutional amendment to outlaw abortion.'' That is the mission.

The Republican Party platform calls for a constitutional amendment to take away a woman's right to choose.

A constitutional ban on abortion. In fact, that has been part of the Republican Party platform since 1980.

Not surprisingly, Mr. President, Republicans in Congress are trying to do just what their party platform states. They are trying to take away a woman's right to choose. And they are trying to do it by chipping away at that right, bit by bit.

Now, to be fair, Mr. President, I do want to say that not all members of the Republican Party share this view.

We heard from the distinguished Senators from Maine and Pennsylvania. But that group is a small minority. They are prochoice. They speak out. But they are not part of the party's leadership, and they are not driving the Republican agenda. They are shut out.

I want to let my colleagues know that I will join the fight against the Republican leadership and the antichoice legislative agenda at every turn. And I am delighted to be serving in the ranks of those who oppose taking away women's right to choose, led particularly by the distinguished Senator from Maryland and from California and others. Like the majority of Americans, I support the law and support Roe versus Wade and the constitutional right for American women to choose.

Mr. President, the women of this country should be concerned about their reproductive rights because the Republican Party can put its antichoice views into action in this Congress. They are not going to stop with Federal employees. They have bigger targets.

They plan to do everything in their power to restrict a woman's right to choose. We hear it all the time. They have a lot of antichoice legislation on the drawing board.

For example, they plan to reinstate the gag rule and its overseas equivalent, the Mexico City policy. These proposals seek to intrude on the doctor-patient relationship.

They also plan to restrict a woman's right to choose if that woman happens to serve overseas in the military.

Mind you, someone who has agreed to join our military to protect this country has an immediate disadvantage, if she chooses to have an abortion, or if a member of her family has, or if she is a victim of rape and is on Medicaid, or if she is poor and she lives in the District of Columbia, they plan to take away reproductive health care coverage for these women. It is, indeed, an extremist agenda. Why are they doing this? Because doing this is a means to an end. They want to outlaw abortion, and they are trying to do it step by step.

Mr. President, this is a buildup to ultimately passing a constitutional amendment to outlaw the right to choose, plain and simple.

The American women must also be afraid of what might happen in future Presidential elections. If another antichoice President is elected, women could face another barrage of Federal regulations designed to restrict a woman's right to choose. They could face another round of antichoice nominees to the Supreme Court. And this would be a replay of what happened back in the Reagan-Bush administrations when we got Clarence Thomas and the infamous gag rule.

I hope it will not happen, Mr. President, but those of us who care about a woman's right to choose owe a need to keep the broader antichoice agenda in view. Whenever the right of some women to choose is threatened, whether they be Federal employees, rape victims, or residents of DC, every woman's rights are threatened, and that is why we need to fight back every step of the way.

I was astounded this week when I heard over the radio a distinguished Congressman, well-known senior Congressman from the State of Illinois, state on the radio that abortion is a worse crime than rape. He alone is making decisions as to what the law ought to say, not respecting what is in the Constitution, not respecting what is in the statutes but deciding—he deciding—that abortion is a crime worse than rape.

That is a foul thought. What is being said by so many of the proponents of individual rights, the ability to own guns, the ability to resist taxes, is that, yes, an individual's rights overcome all other things. Mr. President, we sometimes forget we are a nation of laws, not of men. That is the cardinal principle—laws that apply to everybody. And the law is firm that the woman, in the right of privacy, has a right to choose. But there are those same people who will insist that they know best what is best for a woman. I find it shocking that a legislator would suggest that abortion is a worse crime than rape.

Mr. President, I hope that my colleagues will support the committee and protect a woman's right to choose, fight hard to preserve that right because therein I think is the precursor of what happens to the rights of all of us across this country.

The greatness of our society is the application of law and the obedience to law.

I yield the floor.

Mr. DEWINE. Mr. President, the Senator from Oklahoma has yielded me as much time as I desire in debate.

Let me first thank the Presiding Officer for taking my place in the chair so I have the opportunity to discuss for a few minutes this very contentious and very emotional issue.

Let me start, if I could, by trying to put this debate today, though, in perspective because the issue that we are debating today is very narrow. It is very narrowly drawn. Each one of us has very strong feelings about the abortion issue. As I look around this Chamber and see my colleagues who are debating this issue today, I think each and every one of us at one time or the other has done this before and our positions are very well known. Whether it is in this body or the other body, we have all debated this.

The issue today is not the big picture issue about abortion. The issue today was defined very well by the Senator from Oklahoma. He has done it several times in the Chamber, but I wish to bring it back to that issue if I could. That issue is simply this: Should Federal tax dollars be used to subsidize abortion? That is it. That is what the issue is. Should Federal tax dollars be taken from citizens across this country, from every taxpayer, to subsidize abortions?

Let us try to put the debate in even more perspective. The abortion debate and the abortion issue is one of the most—no, it is not one of the most; it is the most—emotional, contentious, gut-wrenching debates in which this country engages. It is an issue that divides families. It is an issue that divides friends to the point where most of us, most of us will not on a casual basis even talk about it. I know of no issue in this country that is so emotional and that at the same time finds the American people so divided.

With that background, this not being just any ordinary issue where we are

trying to decide whether we spend tax dollars or not, this is the moral issue, some people would argue, the moral issue of our day. On the one hand, the argument about freedom; on the other hand, the argument about life.

That is the perspective that I think we have to take and the historical background as we come to this debate today. I find no compelling reason for this Congress, for this Senate to say to every American taxpayer, ''You have no choice; you have to subsidize abortion, and a portion of your income tax will be used, however small it might be, for something that you feel so emotional about and that you feel is such a matter of principle.''

When I was growing up in Yellow Springs, OH, a few of the people I knew, or at least knew of, who felt so strongly about what we were doing in the late 1950's and early 1960's, under President Eisenhower and President Kennedy, about national defense, they did not want their taxes being used for national defense. I am sure people feel strongly about a lot of different issues, and we make a decision as a country that we do not let people pick and choose what taxes they pay. We should not.

My only point is this issue that we are talking about today is different. It is different because the country is so divided, and it is different because it is such an emotional issue and because people feel so very strongly about it. I see no compelling reason to take taxpayers' dollars to do this.

Mr. President, the argument has been made on this floor that if the Senator from Oklahoma prevails on this issue, we will be taking a right away from people. I think he has addressed that very well. That simply is not true. Health care plans do not pay for everything. No health care plan pays for everything. There are choices that are made. No one argues that the Federal Government has the legal obligation or the moral obligation or the constitutional obligation to provide for every medical service that someone might want or might need. So it is a question of choice. It is a question of choosing what, with finite tax dollars, we as a Congress believe, the trustees of the American people, that we should spend the taxpayers' dollars on. And so I will be voting with my friend and colleague from Oklahoma.

I will just close on this final note. In every poll that I have seen—better yet, in discussions I have had with people across the State of Ohio for the last 4 or 5 years—I have traveled Ohio, it seems like almost nonstop, for 5 years talking to thousands of people—it is clear to me that while people have various views about the big abortion issue, the overwhelming majority of the American people do not believe tax dollars should be used to fund abortion.

So when some of my colleagues make statements that would indicate that this action today, if we take this action, will be against the majority view of the American people, my answer to that is that it is simply not true. Every survey would indicate otherwise. Our own surveys that we all do as we campaign, as we travel and meet with people that we try to represent, would indicate otherwise.

It is a narrow issue. Let us keep our eye on the ball. Let us not allow this debate to get off into, as my friend and colleague a moment ago was talking about, a Republican agenda or Democrat agenda, platform. This is a very, very narrow issue, to use tax dollars to fund abortion. Do you turn to people who feel very strongly about this issue and say, ''We don't care what you think, we are still involuntarily taking money from your paycheck every week to do something that you find to be very offensive''? That is the issue. It is very narrow. It is very simple.

Mr. President, I thank you for your courtesy, and I yield back my time.

Ms. MIKULSKI. I yield 5 minutes to the Senator from California, Senator FEINSTEIN. She is very able on this issue.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair and the Senator from Maryland.

Mr. President, I rise in support of the committee amendment and in opposition to the motion to table. The reason I do so is because it is my belief, Mr. President, that the motion to table is a first step of a long march to remove a woman's right to choose. The Federal Employees Health Benefits Program is a network of plans that has been estimated to cover about 9 million people: Federal employees, retirees, and their dependents. About 44 percent of these people are women. According to estimates, about 1.2 million of these women are of reproductive age.

So, if we accept the motion to table, we are saying to 1.2 million women, no matter what your circumstances are, ''We, the U.S. Senate, know more about your circumstances than you do, more about your circumstances than your doctor knows.'' If successful, I believe there will be another, and then another attack against a woman's right to choose. If those backing this motion have their way, politicians will once again govern a woman's reproductive system. And that will take us back to the days I remember well, the days of the back-alley abortion.

A woman, regardless of her religious beliefs, regardless of her doctor's advice, will be governed by the advice, the will, the law of the U.S. Senate. It does not seem to matter to people that women often find themselves confronted by a myriad of circumstances. It does not happen to matter that if a woman is raped leaving the Hart, the Russell, or the Dirksen Senate Office Building one night, we are prepared to say that she will be forced to carry a resulting pregnancy to term. No matter what the circumstance, no matter how terrible, no matter how traumatic, if she is a Federal employee, she is on her own if she needs an abortion.

It is ironic to me that many of the same legislators who opposed national health care reform because they claimed it interfered with a woman's ability or a person's ability to choose their own insurance coverage and health care are the same Members who will vote to deny Federal employees the ability to choose abortion coverage in their insurance plans.

These same people who have long advocated that Government get off the backs of the people are willing to put Government right back on when it comes to a very personal decision about abortion.

Our Constitution, the highest law of the land, provides privacy rights for a woman to be able to make this basic decision in consultation with a doctor, if she chooses, and basically to control her own reproductive system. And that is what this is really all about.

This motion would declare that Federal female employees are second-class citizens. Although women pay for a percentage of their health care plan, no health care plan would be able to contain reproductive planning services if the Federal Government pays any portion of that plan. She is a second-class citizen because, in fact, two-thirds of all private health care plans do cover abortion and 70 percent of all health maintenance organizations, what we call HMO's, do offer a full range of health care services, including abortion.

So if a woman works in the private sector, she has access to these plans. If the motion to table were successful, if a woman works for the Federal Government, she would not have access. As a result, she becomes a second-class citizen.

So I believe the issue here is very simple. It is the first step in the long march to say who controls a woman's reproductive system. Is it the Congress of the United States or is it the woman, her beliefs, and her doctor? I am one, frankly, who believes we have many more serious problems to tackle than this one. And I am one, frankly, who is really very shocked to see in this day and age when the state of the art of health insurance plans is to offer reproductive family planning services, including abortion, that the Congress of the United States is willing to take this choice away from 1.2 million women who happen to be Federal employees. And the fact of the matter is, the woman who is denied the right to choose is the lowest paid woman.

I thank the Chair. I yield the time——

The PRESIDING OFFICER (Mr. DEWINE). The time has expired.

Ms. MIKULSKI. Does the Senator from Oklahoma wish to speak?

Mr. NICKLES. Mr. President, I would be happy to make a few comments. I appreciate the statements that have been made by several of our colleagues. I appreciate the statement made by the

Presiding Officer, which was right on target. The Presiding Officer, the Senator from Ohio, mentioned this is not about a woman's right to choose, not about a constitutional amendment. It is not about national platforms. It is about whether or not we are going to subsidize abortions by taxpayers.

Somebody mentioned polling. I believe the Senator from New Jersey said 70 percent of the people support the right to choose. Certainly that sounds good. If you ask people if they want their tax dollars being used to fund abortion, which is destroying an innocent human life, you will find well over 70 percent say no. And that is all this amendment does.

I have heard a couple of my colleagues now say, ''This is the first attack leading to a constitutional amendment that will ban abortion.'' I have been in this body for—this is my 15th or 16th year. We have never voted on a constitutional amendment yet to outlaw abortion.

I think some people are trying to scare other people. We have had votes every single year on whether or not we are going to fund abortion with taxpayers' dollars—every single year. I am sure it will continue. Someone said, ''Oh, I wish this issue would go away.'' Well, we have to make decisions on how we are to spend money. Are we going to use our taxpayer dollars in what way? Are we going to use it for fringe benefits that include abortions? We have to make a decision. Are we going to do it or not do it? That is public policy.

The Senator from New Jersey said we are a nation of laws. I agree with that. We have to make laws. It is interesting to note we have never made a law legalizing abortion. Congress has never passed a law. But we are not debating that today. That would be a good thing to debate.

I know many people in this body support such a law, the codification of Roe versus Wade. Roe versus Wade is a 1973 decision to legalize abortion. That was a Supreme Court decision. That was not an act of Congress.

I read the Constitution to say that Congress should pass all laws, article I. Congress should pass all laws. That was the law where basically Roe versus Wade was legalized. That is not what we are debating today. We are debating today the power of the purse, are we going to use taxpayers' dollars to subsidize abortion?

Taxpayers pay 72 percent of the cost of Federal employees health insurance. So we have a right to say what is and what is not in it. There are a lot of things not in Federal employees health insurance. We do not have free dental coverage. A lot of people would like to have it, but we do not have it. It may be available somewhere, but you do not have free dental coverage.

We have to make decisions. We have to make decisions of how we are going to spend the money. Taxpayers pay 72 percent of the cost of Federal employees health insurance. We have to decide, do we want to include abortion.

I heard two colleagues say this is just another medical procedure. I disagree. They may want it to cover abortion just like it would cover—I do not know—a tooth extraction or maybe anything else that is routine, but this is elective surgery. What does that elective surgery do? It destroys the life of an innocent unborn human being.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. NICKLES. I will not at this point. I will in a moment. It destroys the life of an innocent human being. Now that is serious and it is serious when you say to the taxpayers, ''We want you to pay for three-fourths of it.''

So we are not debating constitutional amendments. We are not debating a woman's right to choose. We are not changing the law. We are debating how we are going to spend money. This amendment says no funds shall be used. We have that right.

As I say, we have debated this every single year on Health and Human Services because we deal with Medicaid. That is a national health program for low-income people, and we debate that every year.

I might mention, we have had restrictions every year saying we should not use Federal money to subsidize abortion for low-income people. Now we are talking about Federal employees. Federal employees, for the most part, are not low income. Most Federal employees do OK. Maybe they are not all upper income, I did not say that, but the language we have right now, if we allowed it to go in, would basically say, ''Well, we're going to have abortion as a fringe benefit for all Federal employees paid for by the taxpayers,'' 72 percent paid by the taxpayers, regardless of what their income level is.

Again, you have to go back to, what are we subsidizing? We are subsidizing the destruction of a human life. A lot of Americans feel very, very strongly that is not the way our tax dollars should be spent. They feel very strongly about it, and that is the reason why we have had these debates every year.

Some may say, ''Well, this is delaying the process.'' This Senator has no desire to delay the process. I was happy to have this amendment considered under a 1-hour time limit equally divided. I think everybody in this body knows how they are going to vote.

But I just wanted to respond to some of my colleagues. I heard some of my colleagues say, ''I support the right of the freedom of choice. I support the right to choose.'' I heard that. We are talking about a life. We are talking about an unborn child.

I want people to have the maximum degree of freedom and liberty imaginable. I want people to have the right to choose almost anything everywhere. This is America. This is the land of opportunity, the land of the free, but that does not include destroying other human beings. There are certain restrictions. That does not include hurting or harming someone else, and it certainly does not include having taxpayers pay for it.

So that is what this amendment is all about. We do not think that taxpayers should be forced to subsidize Federal employees in paying for abortions. That was the policy of our Nation, that was the law of the land from 1984 to 1993. President Clinton and his administration were successful in changing that 2 years ago. We had a good, heated debate then. We lost by two votes. Hopefully, we will not lose today.

I yield the floor.

Mr. LAUTENBERG. Mr. President, will the Senator yield for a question? It is common courtesy around here. If he chooses not——

Mr. NICKLES. I will be happy to yield on the Senator's time.

Mr. LAUTENBERG. I thank you. I yield the floor. This is an indication of where we are going here.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield 5 minutes to the patient Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Thank you, Mr. President. I thank the Senator from Maryland for her leadership on this very important issue.

Mr. President, I think there is a bitter irony to this debate. Last Congress, we were talking about the proposition that people in the country should have as good a health care coverage as Senators and Representatives have, and we talked about the Federal employees benefits plan as the model.

As a matter of fact, sometime this Congress I intend to make sure that we vote on that proposition, that we make a commitment to making sure that by the end of this Congress, we pass legislation that will provide the people we represent with as good a coverage as we have.

Now we have an amendment which essentially says that the Federal employees benefits package will not provide as good a coverage, as humane a coverage as many men and women have through their private health insurance plans.

With the Federal employees benefits plan, nobody is required to purchase a plan that covers abortion, but if that is the choice of a woman and her family, then she has the right to make that choice. That is the way it is with our private health insurance plans in this country.

So I rise to support the committee amendment and certainly will oppose any effort to table the committee amendment, because I think this is just an issue of discrimination. There is no reason why a public employee, a woman who is a public employee, should have any less the right to obtain coverage for abortion services

than someone who is working in the private sector. That is what this issue is all about.

When I hear my colleague saying, ''Well, someone who works for the Government, someone who is a public-sector employee, can purchase her own private plan,'' we make $130,000 a year, so I guess we can. I guess our spouses can. But guess what, a lot of people who work for the Government make $18,000 and $20,000 a year. It is not so easy for them to do so.

So (A) this is an issue of fairness; (B) it is a bitter irony to see us now move away from Federal employees benefits plan as a model and, instead, essentially try and say we are going to weaken this plan and deny many Government employees the same right, the same opportunity to purchase coverage that they would have in the private sector.

And then finally, Mr. President, let me just say that when I hear my colleague say we have not had a debate on a constitutional amendment to ban abortion, that is right, because the votes are not there. But I will tell you something, what this vote is all about, as my colleague from California said, it is a long march in that direction. This is a test vote. It is a test vote on Roe versus Wade. It is a test vote on choice. That is what this is all about. Nobody should have any illusions to the contrary.

I yield the rest of my time.

Mr. NICKLES addressed the Chair.

Ms. MIKULSKI. Did the Senator yield back his time?

Mr. WELLSTONE. That is correct, I yield back my time to the manager.

Mr. NICKLES. Mr. President, before my colleague from Minnesota leaves, I will just mention, I mentioned we have never had a vote or a debate on a constitutional amendment on banning abortion. I know that President Clinton, and many others, have sponsored legislation dealing with codification of Roe versus Wade. We never had that debate either. My point being, I do not want to get into a constitutional debate or anything else. I agree very strongly with my colleague and friend from New Jersey when he says we are a nation of laws and the legalization of abortion, which some people would like to do, the codification of Roe versus Wade, I think it is called the Freedom of Choice Act which has been introduced with a lot of cosponsors, that has never been debated either. Maybe at some point we will have to do that, but that is not what the debate is about today.

The debate today is whether or not we are going to have taxpayers' funds used to subsidize abortion.

That was just my point I wanted to make. My friend from Minnesota is a friend and he is energetic in these debates. Maybe at some point we will debate whether Congress should legalize abortion. I happen to think if it is going to be legal, it should be passed by Congress. That is the way I read the Constitution. It says Congress shall pass all laws.

But the issue today is not constitutional amendments, it is not platforms; it is not agendas, it is how we are going to spend our money. I hear the references to the private sector. I do not know how many colleagues came from the private sector, but I was in the private sector, and I helped put together health plans for our employees. Abortion was never a fringe benefit, and I did not think it should be. It is available in some plans in the private sector. That may be their option. But in the Federal Government, for Federal employees, we are kind of the board of directors or the management team, and we have to decide what the fringe benefits are. I personally do not think abortions should be paid for, three-fourths of which—or 72 percent of which—are paid for by the taxpayers. I think that would be incorrect.

I reserve the remainder of my time.

Ms. MIKULSKI. How much time do I have left?

The PRESIDING OFFICER. The Senator from Maryland has 30 minutes, 21 seconds. The Senator from Oklahoma has 53 minutes.

Ms. MIKULSKI. Mr. President, I yield 5 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today in support of the Appropriations Committee amendment. Before I get into my statement, I would like to contest the position of the Senator from Oklahoma that somehow we are dealing with taxpayer funds in the sense that we are in a position where we ought to control how they are utilized. We are talking here about compensation which is given to a woman for services rendered and to extend beyond what normally we would consider appropriate to call these funds that should be controlled by the Government. We are not talking here about Medicaid, which is an entirely different issue. We are talking here about compensation entitled to a woman for health benefits, and then saying we should, on top of that, have a regulation or prohibition as to how that money can be spent for health care.

The Federal policy here is to help provide health care for individuals, not to dictate how they spend their money. I raise that because to me it raises a dangerous proposition that somehow we can control the use of Federal employee compensation and whatever they do with it, and if we are moving in that direction, to say, my God, if they buy something, that is a violation of the law and their compensation should be denied.

This is not about Medicaid. We decided in committee not to include the House language in the benefit plan that would keep it from covering legal medical procedures, because we did not want to replace a doctor's advice and counsel with our own. We did not want to dictate how an employee's compensation must be used in that difficult but constitutionally protected area of abortion.

Currently, Federal employees can choose a health plan that covers a full range of reproductive services, including abortion. About half of the Federal employee health benefit plans offer the full range. These are mostly private plans they are purchasing, not Government plans.

Women employed by the Federal Government currently have a choice. They can have a policy with abortion coverage, or they can opt out of it. I think that is appropriate. The issue, I think, is more the other way. We should not force a woman to buy a policy that covers abortion if that is against their beliefs. That is why I think this option approach, which is used in Missouri and in other States, is an entirely appropriate way to go. Women with full coverage can consult their doctors and choose appropriate health care services without the intrusion of our own political beliefs.

In a national insurance market, abortion service is included in most plans. Nearly 70 percent of all health insurance plans offer such coverage. Why should we want to penalize a Federal employee by denying them and their families what is widely available to other employees with health care coverage?

We must remember that abortion is a legal medical procedure. It is constitutionally protected under the right to privacy. The choice of a woman, with the help and the advice of a family doctor, to have an abortion is an intensely difficult and personal one. I would not presume to decide who should and should not have access to a legal medical procedure.

Health care decisions are, by their nature, very sensitive and very personal. Reproductive health matters are even more so. Since I am not a doctor, I am not qualified to decide which health services are appropriate for someone else—even someone who is female and works for the Federal Government.

We are not considering which health services generally should be covered. This, rather, deals with a restriction on an employee's compensation as to their ability to do what we want them to do, and that is to provide themselves with health care. We will help provide that.

Medicaid would bring out this discussion of the Senator from Oklahoma. But there will be an appropriate forum for that issue. Why should we here single out Federal employees' reproductive health as an area for excessive governmental intrusion merely because they get some compensation to help them do what we want to do, to provide health care for themselves.

I am disturbed by the trend I am seeing. The House almost zeroed out funding for family planning services, an essential component of women's health. How can we say we care about out-of-wedlock births and teenage pregnancy when we eliminate family planning?

Now we are considering taking choice away from Federal employees as to how they may use their compensation, which we give them to purchase medical care. This is not an appropriate role of the Federal Government. We must allow Federal professionals to seek appropriate care without our interference.

I hope my colleagues will join me in voting against any amendment to remove the committee amendment.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield the Senator from Montana such time as he may require.

Mr. BURNS. Mr. President, I thank my friend for yielding.

I very seldom come to the floor and talk about this subject. But I see us going adrift here from the real purpose of this amendment. I would like to associate my comments with those of the junior Senator from Ohio.

I want to ask two or three questions here of my colleagues. I want them to answer them very simply and very honestly, yes or no. Does this amendment prevent anybody, and in particular, a Government employee, or any woman, the right to an abortion? I say, what right do we have as legislators to collect money from the citizens of this country who may have different views on this particular subject than to spend it on that? What right do we have? Show me. Show the American people where we deny a woman a right of abortion. Show me in this amendment where it changes the Constitution. I do not think there is a constitutional amendment in this piece of legislation.

Do we get our way or no way based on emotion rather than fact when we start looking at a piece of legislation? Let us stay with the issue as it is presented in this amendment. I see no constitutional change here. But what I have heard is inflammatory language that spurs or incites emotions to a very, very high level, and we lose where we are going.

I heard a while ago this thing about ''second-class citizens.'' I do not think there is a second-class citizen in America today. I take offense to that. I think there are citizens; I think there are very hard-working, frugal people who contribute to their communities, to their schools, pay their taxes, pull the wagon, who have a very, very strong view on the subject of abortion. Have we denied their right? I have heard in private plans that abortion is part of the plan. That is true, but they spend their money on their plan.

They do not use taxpayers' dollars. They do not even in most cases use pretax dollars.

Let us not lose the real meat of this amendment. We do not need the language it takes to look at it objectively and really take a look that we as legislators and as a Government have or do not have a right to do.

We are not going to starve the children. We are not going to freeze the old people. What we are saying here is that we are using taxpayers' dollars, from people who have a very strong view on that, and they deserve a voice in this debate, also.

Let us look at what we are supposed to be talking about. Let us not get off on another subject of where we should or should not be.

I rise in support of the amendment of the Senator from Oklahoma, for those folks who may not have a voice in this body today on how we spend their tax dollars, in fact, their hard-earned tax dollars.

I thank the Chair. I yield the floor.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague from Montana for his excellent statement. I yield such time as he may consume to the Senator from Iowa.

Mr. GRASSLEY. Mr. President, we have been hearing this morning much about the Constitution of the United States on the subject of abortion. Everything I have heard has been correct. The fact that the other side of this debate is right when they argue that the Supreme Court has upheld the right of a woman to have an abortion is only half of the constitutional law on this subject.

We, on this side, accept the fact of the constitutional law of the right of a woman to an abortion. We hope that the other side will accept another fact of constitutional law. That is, the Supreme Court's decision that taxpayers do not have to pay for abortions. This is also the law of the land. I am here to defend it.

Now, there is no question but in this case that we are talking about during this debate, the case of Federal employees' health insurance, there is no question that the taxpayers are subsidizing it. It is a fact of our budget that approximately 72 percent of the Federal employees' health care is paid for by their employer, the Federal Government.

I suppose the public is surprised that it is not 100 percent paid by the taxpayers, because I often hear that Federal employees have free health insurance. No, it is like any other employee; a certain percentage is paid by the employer and a certain percentage is paid by the employee. Here, it is 72 percent. A big portion of the premium is paid for by the taxpayers.

The taxpayers have an interest in this debate. The taxpayers have an interest in this debate because the Supreme Court defines the Constitution that when it comes to abortion, the taxpayers do not have to pay for abortions. The taxpayers can pay for abortions if the law says so, but there is not a constitutional right to have the taxpayers pay for your abortion.

Now, there are other unsubstantiated arguments during this debate, as well. Another is that most private plans provide for abortions. This just is not the case.

I checked with the Congressional Research Service on this because some people just keep bringing up and repeating this unproved point, a point I believe put out by the Guttmacher Institute. Of course, we all know, Mr. President, the objective of the Guttmacher Institute. That institute used to be directly associated with abortion providers. Now, it is only indirectly associated with them. We are supposed to believe what they tell us?

Mrs. BOXER. Will my friend yield for a question? Mr. President, will the Senator yield for a question?

Mr. GRASSLEY. The data on this point are not available.

The PRESIDING OFFICER. Does the Senator yield?

Mr. GRASSLEY. I do not yield.

According to the CRS on this point, the data is not available to determine if, in fact, most plans—private plans, that is—provide abortion services.

In fact, some of the largest insurers, like Mutual of Omaha, again, according to the CRS, do not provide these services.

To make it clear, the private sector is just not an issue here. We always hear the mantra that pro-lifers are somehow out of touch in trying to turn the clock back on women.

The problem with the other side is that they totally disregard the children that are involved in these difficult cases. I would like to move the clock forward for these children, not back, as the other side would like to do.

As far as being out of touch, the other side is out of touch with protecting these children, many of whom are going to be the future women of America.

Now, when you get past the gobbledygook of the proabortionists and you really look at this amendment, you will see it has nothing to do with the overall issue of abortion rights.

That is the part of the Constitution, I am saying, that is the law of the land. That is not the issue. The issue is the other Supreme Court decision that says the taxpayers do not have to pay for abortions. They do not have a constitutional right for the taxpayers to pay for abortions.

Mr. President, the issue is whether it should be a taxpayers' subsidy which, under law, we can do.

Those who want you and the taxpayers to fund these abortions are the ones who are really out of step. The vast majority of Americans, you see, do not support their taxpayers' money being used to pay for abortions. It is those who flaunt this majority that are out of touch with the American people.

I urge my colleagues to support the amendment of the Senator from Oklahoma and stand up for the taxpayers and the children of America.

Mr. NICKLES. Mr. President, I inquire how much time remains.

The PRESIDING OFFICER. The Senator from Oklahoma has 40 minutes, and the Senator from Maryland has 24 minutes.

Mr. NICKLES. I think if all time was used, the vote would occur at about 12:10.

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. I mentioned at the beginning we may wish to yield back some time. I hope we can do so. I notify my colleagues to plan on a vote, hopefully, shortly before 12 o'clock.

Ms. MIKULSKI. Mr. President, I believe I have how much time?

The PRESIDING OFFICER. The Senator from Maryland has 24 minutes.

Ms. MIKULSKI. We intend to use all of our time, Mr. President. I now yield, as part of that time, 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to take a few moments, if I might, to speak in favor of the committee amendment which would continue to allow the Federal Employee Health Benefits Program [FEHBP] to offer coverage for abortion services. If this committee amendment is rejected, we will be responsible for creating a lower standard of health insurance coverage for our female employees than they could otherwise obtain in the private sector. We are creating, if this amendment is rejected, a lower standard for our female dependents than they would receive if they worked in the private sector. This seems to me to be terribly unfair.

In the United States, women have a constitutional right to choose an abortion. But that right is meaningless if women do not have access to abortions or cannot pay for the service. Many who are opposed to abortion rights know that. So they come up with ways to make it more and more difficult for women to obtain a safe, affordable abortion. Those attacking the coverage of abortion services, in my judgment, are engaging in that attempt.

Some Federal employees might not want to participate in a plan that provides for abortion coverage, and that is their right. The amendment before us does not require plans to offer abortions. It simply allows plans to include that service. In fact, of the 345 plans that are now offered under the Federal Employee Health Benefits Program, out of 345, 178—about half—offer some form of abortion coverage. So an employee who is opposed to abortion, he or she can choose one of the other plans, choose out of the 167 that do not offer abortion services.

There are approximately 1.2 million women of reproductive age who rely on the Federal Employee Health Benefits Program for their medical care; 1.2 million women. Who are these women? They are our colleagues here in the Senate and in the House of Representatives. They are here with us now on the Senate floor. They are our staff members, they are our daughters and our wives.

Right now, all of those women or their families pay for a portion of their health insurance. As happens in the private sector, the employer, in this case the Federal Government, shares part of that cost. The employee pays part; the Federal Government pays part. This is not any gift from the Federal Government. What the employee is receiving is part of his or her compensation in the form of these health benefits.

I disagree that this is Federal money being used to pay for abortions. The Federal health benefits are part of a Federal employee's earnings. If we follow the opponents' argument, it follows the Federal employee could not use his or her earnings from the Federal Government to pay to purchase an abortion, since that would be, if you follow the logic they are applying here, a Federal subsidy.

Why could they not use their own money? Because the Federal Government pays their salary.

Opponents to the committee amendment contend that women can simply use their own money to purchase abortion services. This is not an inexpensive procedure. The average cost of an early abortion is $250 if performed in a clinic. In many places there are no such clinics. There is travel and there is the need to go into a hospital, and this can cost as much as $1,760.

I would also point out that one-quarter of all Federal employees earn less than $25,000, and nearly 18,000 Federal employees have incomes below or just slightly above the poverty level. So the cost for an abortion, for those women in particular, causes a definite hardship.

For 10 years, those working women could not buy health insurance that included abortion coverage. At the same time, in the private sector two-thirds of the fee-for-service plans and 70 percent of the health maintenance organizations provided abortion coverage—and still do. Two years ago we were able to get equal treatment for our colleagues, our staff members and family members by overturning the ban on abortion coverage. Today we are being asked to return to a two-tiered, unfair system which would deny abortion coverage to Federal employees and their families, even if they are raped or are victims of incest.

We are talking about a legal medical procedure, a right upheld by the Supreme Court on more than one occasion. It is time, in my judgment, we stop trying to find ways to get around this right by making the procedure shameful or inaccessible or too dangerous for a doctor to perform. I urge my colleagues to support the committee amendment and oppose the effort by Senator NICKLES.

I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield the Senator from New Hampshire as much time as he desires.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, the issue of abortion is certainly one of the more controversial issues that we face. Many people are very uncomfortable talking about it. There is never a huge crowd here on the floor when this issue is brought up. Contrary to what some might assume, I respect those who feel differently than I do on this issue, however I think it is one of the great moral issues of the day, much as slavery was some 150 years ago in the United States of America. I rise in opposition to the pending committee amendment to H.R. 2020 and support the Senator from Oklahoma and commend him for what he is doing.

The pending committee amendment places before the Senate the issue of whether abortion on demand will continue to be covered as a routine—I emphasize routine—health benefit, under the Federal Employee Health Benefits Program. That is really the issue here, as to whether or not abortion, which in my opinion takes a human life, is a health benefit. The Federal Employee Health Benefits Program provides coverage for some 9 million Federal employees and their dependents. People who feel as I do, and others here, that it is the taking of a human life to commit an abortion, perform an abortion, do not want their tax dollars spent to take human life. I think that is not an unreasonable position for them to take. I think it is backed up in the polls, that even people who are in favor of abortion—many people who are in favor of abortion—do not support Federal funding. That is really the issue, Federal funding. Approximately 72 percent of the premiums for those plans, under the Federal Employee Health Benefits Program, are paid by the Federal Government, in other words the taxpayers of the United States of America.

Between 1984 and 1994, for some 10 years, the Congress prohibited Federal Employee Health Benefits Programs from paying for abortions. But, in 1993, Congress passed the fiscal year 1994 Treasury, Postal appropriations bill without, for the first time in 10 years, this longstanding restriction on abortion funding. No such restrictions were included in the fiscal 1995 Treasury, Postal appropriations bill either. But at present, health plans in the Federal Employee Health Benefits Program are permitted to cover, and most of them in fact do cover, abortion—not simply abortion, but more appropriately, abortion on demand, for whatever reason.

Thus, as we debate this issue on the Senate floor this morning, the American taxpayer—whoever he or she may be or wherever they may be located or whatever their position may be on this issue—is forced to pay for abortion on demand for Federal employees. That is the issue before us. That is why, for 10 years, it was not in there. And it is not a matter of what your position is on abortion, it is a matter of whether or not you believe the taxpayers, even those taxpayers who disagree with abortion, should have to pay for it for Federal employees.

Also, is it really health care? When I think of health care I think of helping someone. I think of, perhaps, saving someone's life or performing some medical service, which makes someone healthy again. The taking of a human life, in my opinion, is not healthy—certainly not healthy for the person whose life is taken. That, then, is the stark truth about the status quo. As we debate this issue today on the Senate floor, the American taxpayer, with all of the other things we have to pay for as we begin to downsize and balance the budget, is being forced—not asked, forced—to pay for abortion on demand for Federal employees.

How many abortions are we talking about? According to the Office of Personnel Management [OPM] in the calendar year 1980, the last year for which any authoritative figures were available, 17,000 elective abortions were paid for through the Federal employees health benefits plan. The estimated cost is about $9 million. So the figures for fiscal year 1994 are not, to the best of my knowledge—they may be; I do not have them if they are—but assuming that the figures before the 1984 ban have held steady after the ban was lifted in 1994, the American taxpayer we assume can be expected to be forced to pay through the Federal employees health benefits plan some 17,000 elective abortions for Federal employees in the current fiscal year at a cost of $9 million, plus some 15 years of inflation. So I think we can assume that this is going to cost far in excess of $9 million. We all know inflation has risen considerably since 1980.

So let us be very clear, Mr. President. The question before the Senate today, in spite of all of the hard feelings and comments that develop from this issue, is whether the American taxpayer is going to continue to be forced to pay for abortion on demand for all Federal employees for those who choose to have one.

As I indicated, about 72 percent of the premiums for the Federal employees health benefit plan are paid for by the Federal Government. So unless the committee amendment is defeated today, these taxpayer-funded Federal premium payments will continue to be used to pay for abortion on demand for Federal employees.

It is particularly I believe inappropriate for the Congress to allow these benefit programs in the Federal Government to cover abortion because, as I referred to this earlier, the overwhelming majority of abortions—there will be some dispute perhaps and some of my colleagues on the other side may dispute the numbers—but the overwhelming majority of abortions have nothing to do with saving a life or protecting the physical health of the mother.

In hearings before the Senate Judiciary Committee in 1981, Dr. Irving Kushner, who served in the Carter administration as Deputy Assistant Secretary for Population Affairs, testified before Congress about the reasons why women have abortions. Dr. Kushner estimated that only 2 percent of abortions are done for physical health reasons and that 98 percent are performed for life-style reasons.

Maybe those numbers are not exactly accurate. They could change. They could vary somewhat. But even if there are 5 to 10 percent, those numbers are still very striking.

Dr. Kushner testified that:

> The data with which I am familiar would indicate that something on the order of 2 percent of all of the abortions in this country are done for some clinically identifiable entity, physical health problem, amniocentesis, and identified genetic disease.

The overwhelming majority of abortions in this country are performed on women who, for various reasons, do not wish to be pregnant at this time, Dr. Kushner testified.

There is a mixture of social, economic, educational, perhaps health, or whatever. But I am aware of no studies that indicate that anything has changed in that regard since Dr. Kushner's statement. If someone has some facts that would dispute that, I would certainly be happy to hear from my colleagues on that.

The overwhelming majority of the American people do not want their tax dollars spent to finance abortion on demand for Federal employees in this case. I base this contention on a series of national polls by well-respected polling organizations.

In March 1995, the CBS-New York Times poll found that 72 percent of Americans oppose the inclusion of abortion in a national health care plan. Only 23 percent were in favor. There is no reason why a greater number of Americans would favor such coverage from employees in the Federal Government with the taxpayers footing about 72 percent of the bill. Why would they?

Unless the committee amendment is defeated, H.R. 2020 will allow Federal tax dollars to be spent to pay for abortions for Federal employees on demand as a routine method of birth control. Will some women do it for health reasons? Yes, of course. But the bottom line is that, for the most part, a routine method of birth control—which many millions of Americans oppose abortion on demand as birth control—they will be forced to have their tax dollars pay for this.

According to a working poll in 1992, 84 percent of Americans are opposed to abortion as a method of birth control and only 13 percent favor such a radical position on the abortion question. It follows then that the American people do not want to pay for abortion on demand for Federal employees as a method of birth control.

Finally, Mr. President, in the area of polling, an ABC News-Washington Post poll taken in July 1992 said that 69 percent of Americans oppose the Federal funding of abortions.

Mr. President, regardless of where one stands on the issue of abortion as a moral or a legal matter, it is beyond dispute on this subject of debate today that millions of Americans believe that the unborn child is a human being from the moment of conception and that abortion is the wrongful taking of a human life.

A large number of Americans believe that forcing those millions of pro-life Americans to pay for abortion on demand with their tax dollars, as I believe, is a gross violation of their freedom of conscience. That is why I am here supporting the Senator from Oklahoma today.

I do not see the manager of the bill, Senator KERREY of Nebraska, here on the floor. I am sorry he is not because I was sitting on the floor a short time ago, and I heard the Senator from Nebraska, Senator KERREY, say that he has studied this issue a long time and he has concluded that human life does not begin at conception. I am paraphrasing, but essentially that is what he said.

I would just like to ask the Senator from Nebraska if he comes back to the floor, when did his life begin? When did the life of the Senator from Nebraska begin if it did not begin at the moment of conception?

I see the Senator here. And I am glad he came back on the floor. I was referring to the comments earlier when you said you had concluded that human life does not begin at conception, and I am very sincere and this is not to be confrontational. My honest question to you is, when did your life begin if it did not begin at conception, if you are not human the day after conception? Then how can you be here today as a reasonable, mature adult and a U.S. Senator contributing much to America—I might add, because your mother chose life? And I think that the argument that one makes is the intellectual argument that life does not begin at conception is just mindboggling to me.

If you want to take the position, which many do and many of my colleagues do on the other side of this issue, that because of a particular reason, whatever that reason might be, a woman has a right to do that, to take that life, that is another argument. But to say that life does not begin at conception, if it is not life by definition, there is no life to kill, there is nothing to take. So if there is no life, then there is nothing to destroy. So if your life does not begin at conception, I do not know when it does begin. I would be interested to know when the Senator from Nebraska thinks his life did begin.

Mr. KERREY. Does the Senator ask me a question and expect a response at this moment, Mr. President?

Mr. SMITH. I would be happy to yield to the Senator from Nebraska to respond.

Ms. MIKULSKI. Not on my time.

Mr. KERREY. Mr. President, I ask that I be allowed to talk 1 minute not charged to either side.

Mr. SMITH. I will take it off my time.

Mr. KERREY. Mr. President, this is the realm of prayer you are talking about—faith, a belief. That is what I was trying to say earlier. I was trying to give the Senator from New Hampshire and others who hold the belief that if a human being from the moment of conception ought to be protected and that it is murder, the Senator from New Hampshire wants abortion to be made illegal because he believes it is murder, I do not believe that it is a human being at the moment of conception, but only if you have that belief. That is your conclusion. He believes it is murder and, as a consequence, wants to ban abortion. But it is a realm of faith, a belief, if someone enters prayer when they make this decision. You do not reach it on the floor of the Senate.

Mr. SMITH. If it is not a human being, what is it, I say to the Senator from Nebraska? Could the Senator from Nebraska answer that question on my time for me?

Mr. KERREY. Mr. President, it may surprise the Senator from New Hampshire to know that he is not my God. As I indicated earlier, I make the decision.

Mr. SMITH. Mr. President, I reclaim my time.

Mr. KERREY. I want to answer the question. I want to answer that question.

Mr. SMITH. Regular order, Mr. President.

Mr. KERREY. The Senator from New Hampshire asked me to answer the question. I did not answer the question.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. KERREY. He yielded me time.

Mr. SMITH. I reclaim my time, Mr. President.

Mr. KERREY. He cannot withdraw that time.

Mr. SMITH. I reclaim my time.

Mr. KERREY. Now he does not like my answer in the midst of my answer.

Mr. SMITH. Regular order.

The PRESIDING OFFICER (Mr. FRIST). The Senate will be in order.

Mr. KERREY. He is trying to cut me off.

Mr. SMITH. I reclaim my time.

The PRESIDING OFFICER. The Senator from New Hampshire is able to claim the floor and has reclaimed the floor.

Mr. SMITH. The Senator from Nebraska went well over the line with the statement regarding God, and I refuse to yield any more time to him.

It would be glaringly inconsistent for those who support the Hyde amendment, which prohibits payments for abortion for Medicaid-eligible women, to vote in favor of Federal funding of abortion for Federal employees. In other words, Senators who support the Hyde amendment also should oppose coverage for abortion under the Federal employees health benefits plan. Supporters of the Hyde amendment, therefore, should vote to defeat the committee amendment.

The Supreme Court has upheld the constitutionality of the Hyde amendment, and the Court found that the Government can distinguish between abortion and other medical procedures. In upholding the Hyde amendment in 1980, the Court commented that abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of, if it is not a human life, a potential human life.

In closing, Mr. President, I wish to commend my friend, Senator NICKLES. It takes a lot of courage, knowing the abuse we all take on this issue, to be down here. We do not always have a crowd; not many Members are willing to come down and speak on the issue. God knows, we get enough heat for doing it.

I think the exchange that just took place between the Senator from Nebraska and myself is a very strong indication of the weakness of the argument that somehow after conception a precious life, a human being, is somehow not a human being.

There is no, absolutely no credibility for that argument. Anyone, any reasonable person, pro-life or pro-choice, proabortion or antiabortion, who heard the exchange between the Senator from Nebraska and myself, would understand that. If a person takes the position that a woman has the right to terminate, that is another argument. I do not happen to agree with it, but that is another argument. And there is some good reason I think to at least argue that there is some rationale to that decision. But to say that life does not begin at conception, there is a—when an embryo is formed and the sperm and egg unite and life begins, that is the beginning. You cannot be a 50-year-old man or a woman unless that act took place. That is just a biological fact. It has nothing to do with God.

I deeply resent the comment that the Senator from Nebraska made on the floor of this U.S. Senate, somehow saying that because I questioned his comments on this matter, somehow I would be believing myself to be God. I deeply resent it. I think it was entirely inappropriate. I would hope that he will apologize for it but, frankly, I do not expect it.

Mr. President, I think I have made the point. The majority of the American people do not support taxpayers paying for abortions, and I rest my case on that.

Mr. President, I yield back to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I yield 2 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, on this issue, I have always opposed Federal funding of abortion. I have also supported restrictions on Federal health insurance with respect to Federal employees and the funding of abortion but only with restrictions or exceptions for rape, incest, and life of the mother.

Mr. President, I will oppose Senator NICKLES' proposal for that reason. The proposal before us has no exception for rape and incest. Let me just personalize why that makes a huge difference.

Several years ago, my wife was attacked eight blocks from where we are this morning by a vicious rapist. He put a gun to her head and tried to get her into our car. My wife was able to evade that vicious rapist, somebody with a record as long as your arm of rape, brutal rape. And yet what we have before us this morning is an amendment that says if my wife had been raped, her health insurance could not pay for the appropriate medical treatment. She would be expected to carry that baby.

Mr. President, I am opposed to Federal funding for abortion, but I say to you anybody that would say to my wife, if she had been raped by that vicious criminal, that she ought to carry that baby, that is vicious and monstrous. How can anybody stand in this Chamber and say that somebody who is victimized ought to be victimized a second time? Something is radically wrong, I say to my friends, that anybody would say to my wife ''You carry that baby to term.''

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator Oklahoma.

Mr. NICKLES. Mr. President, before my colleague from North Dakota leaves, let me just try to tell my friend from North Dakota—who just left—that this Senator has tried, unsuccessfully now for 2 or 3 hours last night and for a little while this morning, to put in a rape and incest exception.

I tell my colleagues that the language I offered 2 years ago had a rape and incest exception and life of the mother. The unanimous-consent agreement does not allow that at this time. That is the reason I said we may well have to have another amendment, because that is my intention. That is my belief.

I happen to think that is where the votes are in this body. I do not know where the votes are exactly on this language right now on adopting the House language. The House language is exactly the policy we had from 1984 to 1993, exactly the same, and that is what they adopted in the House. They adopted it with a 50-vote margin.

I stated to my friends on both sides of this issue that I thought where the votes were was to ensure that no funds could be used for abortion by Federal employees from their health insurance unless it is necessary to save the life of the mother or in cases of rape and incest.

I have endeavored to try to introduce this amendment. I have been denied

that opportunity. The way the unanimous consent is drafted, I am not able to do it at this point. That is the reason I said, well, if this amendment is not agreed to, we may have to do that later. This amendment would keep the House language and it is amendable. And I might mention it is amendable by this side; it is amendable by the other side.

I know my friend from Maryland—I have great respect for my friend from Maryland because we have worked on a lot of things over the years, and we have always done it very civilly—I know she has a different opinion, and I respect that. She has a right to offer an amendment. There is no time agreement, there is no limitation on amendments, and so if people have different ideas, they are certainly welcome to offer those.

I just wanted my friend from North Dakota to know, I wanted my friend from Maine, Senator SNOWE, to know—and I mentioned that to them; they were the only two people who mentioned rape and incest in the debate—I just wanted them to know it is my intention to try to accommodate that language. That is the same language that we had 2 years ago.

Mr. MCCAIN. Will the Senator yield?

Mr. NICKLES. I will be happy to yield to my friend.

Mr. MCCAIN. For a question.

Ms. MIKULSKI addressed the Chair.

Mr. MCCAIN. I am asking a question of the Senator from Oklahoma. It is my understanding that——

Ms. MIKULSKI. I wanted to bring to the attention of the Senator from Arizona, it will be the first time today the Senator from Oklahoma or anyone on that side of the debate has agreed to answer a question.

Mr. MCCAIN. May we have regular order?

The PRESIDING OFFICER. The Senator from Oklahoma has the floor and has a right to yield for a question.

Mr. MCCAIN. I have a right to ask for regular order at any time under the parliamentary rules of the Senate. I am asking for regular order.

Mr. NICKLES. I will be happy to yield for a question.

Mr. MCCAIN. Is it true that the Senator from Oklahoma had requested to modify this amendment?

Mr. NICKLES. The Senator is correct.

Mr. MCCAIN. That he had sought to put in an exception for rape and incest?

Mr. NICKLES. The Senator is correct.

Mr. MCCAIN. And the other side had refused to do that, to allow that?

Mr. NICKLES. The Senator is correct.

Mr. MCCAIN. Well, there has been kind of a breakdown in comity around here for the last few days. I regret it. I think all of us regret it. It is not the standard behavior around here not to allow someone to modify an amendment that was clearly the intention of the author of the amendment.

Last night we saw this body break down in gridlock and not pass a bill that is important to national security. Now we find an amendment that clearly was intended to be another way, that the Senator from Oklahoma was not allowed to do so.

I would appeal to my colleagues to let us try to return to some kind of comity around here. We are entitled to opposing opinions, but why we would not allow the Senator from Oklahoma to modify his amendment, when that was clearly his intention, is beyond me. And I would urge the Senator from Maryland, if she is the one that is blocking this, to reconsider her position in not allowing the Senator from Oklahoma to modify his amendment because what will happen is we will then bring up another amendment, and which the Senator from Oklahoma is able to do.

So all we have done is waste the time of this body on a Saturday afternoon. So, I would ask the Senator from Oklahoma if perhaps he could make another request and appeal to comity and courtesy which is supposed to be the trademark of this body.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. I appreciate that. I appreciate the suggestion of my colleague and friend from Arizona.

I am prepared, if my colleagues—I happen to agree with his comments 100 percent. I will just mention it is unfortunate the situation that we are in right now. I would like to modify my amendment. The way that the unanimous-consent request is drafted, I could not do it unless I had unanimous consent. I have been contemplating trying to do it on the floor. I tried to do it in negotiation and have not been successful. I might try it now. I do not want to—I want to be very civil in this debate.

I want to offer the rape and incest amendment because I know my friend and colleague from North Dakota—it means a lot to him. And I know my friend from Maine, it means a lot to her. I know it means a lot to the Senator from Texas. I know it means a lot to the Senator from Georgia. So this is an important issue.

All Senators have rights. And I may be blocked from offering it at this particular point under the UC, but not blocked from offering it later. I understand that.

The Senator from Maryland has a couple of other ideas. She is not blocked from having those ideas expressed in the form of an amendment. I would like to do that now with my amendment. I know the Senator from Nebraska wants to pass the bill. I have said, if we can offer this amendment with the rape and incest, we are done, win or lose. We are finished. And hopefully that would be the end of the case.

If we lose by one or two votes—this vote is very close, very close. And it is also, as the Senator from New Hampshire said, very important because we are talking about thousands of lives. Then it will be necessary to come back and try again with a rape and incest amendment, which I have that right to do. And the Senator from Maryland has the right to offer her amendments as well.

Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I would like to clarify the situation, as well as the innuendo that I am blocking this comity of adding rape and incest.

Mr. President, early yesterday I entered into a unanimous-consent time agreement that is pending before the U.S. Senate today as the framework for debate.

I negotiated that agreement in good faith with the Republican leader and his staff. The UC that I agreed to, which is the framework under which we are operating, I was told is what the Senator from Oklahoma wanted. I had a lot of my own amendments, but I recognized the fact that the Republican leader and the Democratic leader wanted to move this bill. So I agreed to a 3-hour debate, up or down or on a motion to table, on the House language which is limited to the life of the mother. That was my understanding.

At 10 after 10 last night the Senator from Oklahoma approached me and said, ''That is not what I thought the agreement was.'' That was, I was told, the Senator from Oklahoma's desire to have that UC. So then to say I am not the one having comity, that is what happened to me at 10 last night.

So, Mr. President, I feel that my reputation and my sense of senatorial courtesy is being impugned in a very unfair and unfactual kind of way.

Now, I am prepared to move ahead with the conclusion of this debate, to vote under the UC, as we have agreed upon. And then the Senator from Oklahoma can offer his amendments. And quite frankly, I have two or three of my own. But that is the situation. That is how the situation was agreed upon.

I believe that my history in the Senate has been one of comity and senatorial courtesy on these agreements. And having said that, now I yield whatever time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 2½ minutes.

Mr. President, I have been listening to this debate about civility. One of the most arrogant positions that can be assumed by the Senate is to try to relegate what rights and what health benefits will be available to the Federal employees.

Here we find our colleagues on the other side entering the U.S. Senate, having the most comprehensive health care in the country, and then making decisions about how they believe it ought to be limited for women in our society. There are 345 plans out there.

Any Federal employee can select whether she wants to have coverage or noncoverage. But oh, no. We are going to decide that even for those that want the coverage, they cannot have it. You have 78 million people who have coverage today under other kinds of programs that are basically being subsidized by the taxpayers under the deduction. Will the colleagues over there try to take those programs on? Absolutely not.

What they are saying, ''You are a Federal employee. You work for the Government. You make a choice and decision, the 1.2 million women, to have this coverage. No. That is not good enough. We are going to tell you exactly what kind of health procedures you will have.'' That is arrogant. That is uncivil. That is wrong. And that is why the Senator from Maryland's position should be retained.

I yield back the balance of my time.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. How much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 12 minutes, 40 seconds. The Senator from Oklahoma, 14 minutes.

Ms. MIKULSKI. I yield 1 minute to the Senator from California, Senator BOXER.

Mrs. BOXER. I thank my friend.

My colleagues, it is important to know what we are doing here. This is an attempt, because colleagues do not want to raise the issue of whether abortion should be legal, because I think they know they cannot win that debate, to take the right to choose from women they have power over, in this case, women who happen to be Federal employees. And that is an abuse of their power, as the Senator from Massachusetts has so eloquently stated.

Make no mistake about it, the Nickles proposal is radical. No insurance can be used for abortion even in cases of rape or incest. And we had a colleague walk out of here because he told his personal grief about a situation that impacted his life.

Oh, they say, you can pay for it on your own. What if you cannot afford it? What if there are complications? Senator CHAFEE himself said in many cases it is $1,700. This is a radical, radical proposal. Please defeat it.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. NICKLES. I will tell my friend from Maryland, my friend from California, and my friend from North Dakota, I have an amendment I would like to send to the desk. It would add rape and incest to the underlying language. I think most people in this body would support this language. I will tell my colleagues from Maryland and California, if this is included we will only have one vote.

And so, Mr. President, I send this amendment to the desk.

Ms. MIKULSKI. I object.

Mrs. BOXER. I object to that.

The PRESIDING OFFICER. Consent would be required to offer an amendment.

Ms. MIKULSKI. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I will just make a couple comments. And I am not surprised that an objection was heard because I have been trying to get this done for the last many hours—2 or 3 hours last night, a couple hours today. My friend from Nebraska tells me as manager of the bill he thinks we can get it included. I want to tell my colleagues that want rape and incest in there, I think he is right. I think it will be included.

So I hope nobody votes ''no'' because rape and incest is not in there. If they do, we are going to give them a chance to vote for it later with it in there if this does not prevail.

I also want to comment on Senator MCCAIN's comment. We do need to return to a little more civil approach to legislating. Last night on the DOD bill, it was not pretty. This is not pretty the way we are legislating now. Senators have the right to offer amendments. We need to protect that right. I will protect the right of anybody on this side of the aisle to offer an amendment and anybody on that side of the aisle to offer an amendment and to modify their amendments. I think that is an important principle.

Mr. President, I yield the Senator from Texas 3 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think maybe it is important to go back and talk about what the amendment is trying to do, since, obviously, we have criticisms of it. The Senator from Oklahoma has tried to fix it, but those who criticize it and object to it will not permit him to fix it. So I think people may have forgotten in all this what it is we are talking about. Let me go back and try very simply to define the issue.

The Federal Government pays on average 72 percent of the health care benefits of all the employees of the Federal Government. We have had a longstanding consensus in America that no matter where people stood on the issue of abortion—and obviously there are great differences in America; there are great differences in the Senate—that since many Americans felt very strongly in opposition to abortion on demand, and that since people do not pay taxes voluntarily in America, that we ought not to take their tax money to pay for abortion services in areas like insurance premiums for Federal employees. This is not a radical idea. This was the law of the land for a decade prior to Bill Clinton becoming President.

When Bill Clinton became President, that balance was overturned, and in 1993, for the first time in a decade, we took the taxpayers' money and used it to fund abortion on demand by paying for insurance premiums to fund abortion services.

What the House did in their bill is they went back and said that people can do whatever they want to do. People can spend their own money on abortions if they choose to, but they cannot take the Federal taxpayers' money—which after all, is collected by the Internal Revenue Service through the force of law from taxpayers who strongly oppose abortion—and use it to pay for abortion on demand. That is what the House did.

What the Senator from Oklahoma is trying to do is simply to go back to the consensus that existed for the decade prior to Bill Clinton becoming President, which simply says: Nothing in this amendment has anything to do with the right of a woman to have an abortion, but what it has everything to do with is the denial of taxpayer dollars to fund that abortion, except under a very stringent circumstance: The life of the mother being in danger.

The issue here is not the right of a person to have an abortion, it is whether or not the Government should use its power of coercion to collect money from taxpayers to pay for it. I believe the American people's answer to that question is ''no.'' That is why we need to maintain the House-passed language, and I urge my colleagues to vote to do so.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I yield 2 minutes to the Senator from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Maryland.

I also rise in strong opposition to restricting Federal employees from receiving abortion services as part of their health care plan.

The Federal employee health benefits plan is a network of insurance plans that cover approximately 9 million Federal employees and their dependents and including, I remind my colleagues, all of our staff members.

The Federal employees health benefits plan is made up of more than 370 different health plans. When selecting coverage, women who work for the Federal Government now have a choice about whether they want to select a provider that does or does not perform abortions. In short, they can now choose a plan with coverage, a coverage that best fits their needs.

I note that one-quarter of all Federal employees earn less than $25,000. This is a fairly respectable wage in many parts of Wisconsin where the cost of living is lower. But for a single parent with dependent children in a higher-cost area in the country, it can be difficult to make ends meet on that amount of money. In fact, I am sorry to say that nearly 18,000 Federal employees have incomes hovering right

around the Federal poverty level. So let us not make any mistake about who might be included in this category of people who are affected by this amendment.

There are those who may say this is a good amendment because of the opportunity for deficit reduction. In fact, this is grossly untrue. If Senators are truly interested in addressing the root causes of the escalation of health care costs, then we should publicly commit to address comprehensive health care reform.

Abortion is a deeply divisive issue and there are strongly held views on all sides, but that does not justify a political football game with the contents of a health care package.

So, Mr. President, I think this amendment should be soundly defeated. The right to choose should be about allowing women options. Prohibiting a woman from choosing health care coverage she feels is appropriate for her just because she works for you, Mr. President, or me or for the executive branch or for the Postal Service, in my view, is unjust.

So I hope my colleagues will join me and many other Senators who have spoken on this in rejecting this amendment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. The Senator from Indiana is here. I do not know whether the Senator from Oklahoma wants to yield to him.

The PRESIDING OFFICER. The Senator from Oklahoma has 9 minutes, and the Senator from Maryland has 8 minutes 48 seconds.

Mr. NICKLES. Mr. President, I yield the Senator from Indiana 6 minutes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I will just state that over the last 48 hours, the Senator from Oklahoma has come to me and we have discussed in great detail as to whether or not this amendment should include the rape-incest exception. He agreed, I agreed, all of us agreed that it should. He was clearly under the impression that the unanimous-consent agreement allowed for the amendment to be offered to include the life of the mother, rape and incest. He was surprised, I was surprised, we were all surprised when that was not the case. He made a valiant effort last evening to include that.

So those who come to the floor and argue against this amendment because it does not include that simply have missed the point. We are attempting to try to do that and have been precluded from doing that.

Mr. President, on this issue of abortion, it is clear that we are a nation at conflict among ourselves and even within ourselves. The debate over abortion has divided the country; it has divided the Senate and the Senators who represent the people of this Nation.

We have come over time to believe, I think all of us, strongly in individual autonomy and personal privacy. At the same time, we have witnessed dramatic advances in medical science which shows us the complexity and the humanity of life before birth. This is a jarring inconsistency of our deepest beliefs about liberty and our strongest convictions about life, and it has led to an endless struggle, and even broken the peace, between neighbors.

Law, on the one hand, is set against medical science on the other. Political rights, on the one hand, are set against moral commitments. These are contradictions that we cannot escape but nor can we accept. These contradictions are seemingly contradictions that we cannot overcome.

But while our divisions are deep, there should not be division over forming a consensus on the issue that is before us. This ought to be a uniting issue rather than a dividing issue, that issue of whether or not we will force people to violate their conscience by financing a procedure that they find abhorrent. This should be the common ground in our abortion debate. Those who insist on using taxpayers' funds to subsidize abortion are not asking for choice. They are asking for involvement in complicity on the part of every single American, despite those Americans' deeply held religious beliefs and moral convictions.

The committee amendment before us today is a particularly clear example of taxpayer financed abortion. Seventy-two percent of the cost of Federal employees health benefits are paid directly with tax dollars—Federal tax dollars.

Through this program in the early eighties, taxpayers subsidized over 17,000 abortions at a cost of over $9 million. Now for a period of 10 years—nearly 10 years—from 1984 to 1993, Congress protected those taxpayers from contributing to elective abortions through the Federal employees health benefits plan. I believe that was a policy and a position solidly supported by a majority of the American people. During our debate over a national health benefits plan last year, only 23 percent said national health insurance policies should include coverage for abortion; 72 percent said those costs should be paid directly by the women who have the abortion. An ABC News/Washington Post poll in June 1992 indicated that 69 percent of the people surveyed felt the Government should not pay for abortions even for women who could not otherwise afford them.

Therefore, by striking the committee amendment, we simply seek to restore a principle on which I believe there is a strong majority consensus; that is, that we should not appropriate tax dollars and use them to violate the deepest moral convictions of millions of Americans.

Supporting the committee amendment means that abortion is not just a right but an entitlement. I understand why so many Americans are offended by being forced to support a procedure with their hard-earned tax dollars, because I also am offended. My concern is motivated by my own fundamental conviction that we are dealing with a fundamental matter of human rights, relating to the most helpless members of the human family.

Abortion on demand is a violation, I say, of our compassion and of our humanity. It causes us to retreat from the history of a nation—this Nation—whose story has been one of progress, however halting, sometimes won even through bloodshed, of extending inclusion in our ideals of human dignity and human rights. One by one, the powerless, the weakest, have been embraced and the American family has been extended. African-Americans, women, the handicapped, each discovered that America's promise, though delayed, was not denied.

Over time, our Nation has developed a system of rights, deeper and wider through the persistence of those who have passionately argued for inclusion, not exclusion. Some of the opponents of this amendment have been the most outstanding spokespersons, with the deepest conviction for the inclusion in the American family, for the extension of rights to those helpless individuals.

Abraham Lincoln wrote of our Founders:

> This was their majestic interpretation of the economy of the universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to his creatures. . . . In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on. They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children, and their children's children and the countless myriads who should inhabit the Earth in other ages.

That beacon of light still shines in this world. It still lights the paths of nations whose freedom is new. It is my deepest concern that, at the very level where we reach the very weakest and helpless of Americans, we will shut out that light, that we will halt the progress of America's promise—the promise of inclusion, the promise of extension of rights to the most helpless in our society—and cast one class of the powerless into the darkness beyond our protection.

I believe that is the fundamental issue and why we should support the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma has 1 minute 46 seconds. The Senator from Maryland has 8 minutes 48 seconds.

Ms. MIKULSKI. I yield to the Senator from Nebraska, the ranking minority floor manager, whatever time he needs.

Mr. KERREY. Mr. President, this is a position—as I indicated earlier in my opening remarks—that is made upon beliefs, made in prayer; it is a decision of faith, not a scientific, intellectual decision. Once it is made, it leads you to a conclusion about what our laws

should be. If you conclude that this is a human being at the moment of conception, you want the law to say it is murder and it should be outlawed. If you believe, in a moment of faith—again, no science enables me to reach my conclusion—if you believe, in a moment of faith and prayer, that it is not, then you want to protect the right of a woman and her doctor to make that decision.

The dilemma here, Mr. President, is that we have employees who work for the Federal Government. Those who argue that health insurance is a source of payment and that it is a source of subsidy have a difficult time explaining what about the rest of their salary.

Even if this amendment passes—or this language of the House which does not allow health insurance to be used to pay for abortion under any circumstances, even if that language is held, you will still have Federal employees with their salaries making a purchase. Only if this body is willing to pass a law sending police out to make sure Federal employees do not use any of their money, could we not have the subsidy.

So, Mr. President, it is a very difficult dilemma. I hope my colleagues understand that there was a good-faith effort to try to negotiate. The Senator from Oklahoma agreed last night, and the Senator from Maryland did as well, to a time agreement in a UC. One of the things the Senator from Oklahoma wants to add is rape and incest. The House does not have that language in there. The House language makes no exceptions. The Senator from Oklahoma wants to add rape and incest. I would agree to that. However, the Senator from Maryland wants to add medically necessary and appropriate. I do not believe the Senator from Oklahoma wants to agree to that. So we have a difference of opinion as to how far we ought to go.

I believe strongly, Mr. President, that the best course is to recognize that, whether it is a salary or whether it is a Federal employee's health insurance, as a consequence of the Nation saying we are going to protect that right, has a right to use money that we have given them through tax dollars to make that decision.

So, Mr. President, I hope that the language of the House is stricken, as the Senator from Alabama and the Senator from Nebraska and myself have indicated that we believe ought to occur in this piece of legislation.

Ms. MIKULSKI. Mr. President, I yield 1 minute to the Senator from Montana.

Mr. BAUCUS. Mr. President, obviously, I will be brief with only 1 minute. Two very basic points here: One, I think it is important to remember the words of former Senator Barry Goldwater who essentially said, ''We should get Government off our backs, out of our wallets, and out of our bedroom.''

He truly saw the importance of Government not getting involved in individual, personal decisions such as this.

It is a very complex, emotional subject. Essentially, I believe, and I think most Americans believe, when it comes to abortion, it is a matter of individual conscience, a matter that a woman must decide for herself, according to the dictates of her conscience, religion, her God. It is a very personal choice that the Government should not be making for her.

Second, we should not allow women employees of the Federal Government to be treated as second-class citizens. That is what this amendment does. It says that if you are a woman and a Federal employee, you are treated in a second-class nature. That is wrong.

On those two bases, I strongly urge the defeat of the Nickles amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I choose to use 3 minutes of the leader time which Senator DOLE yielded to me.

I have sought recognition again, after having spoken at some length earlier this morning, to respond to the very eloquent comments of the distinguished Senator from Indiana when he speaks about the moral concerns which he has about abortion. I can well understand that, and I have great respect for it.

As I had said earlier today, I am personally opposed to abortion but do not think that it is a matter for the Government. Most of this debate today has really centered—as Senator COATS has emphasized so eloquently—on the moral considerations which many hold very, very deeply, contrasted with what I think is the constitutional doctrine which has been established for the United States. That is not only Roe versus Wade in 1973; it is the more recent 1992 opinion in Casey versus Planned Parenthood, written by three Supreme Court Justices appointed by conservative Republican Presidents. That is the law of the land.

This is a constitutional right for a woman to choose. I submit, Mr. President, that this amendment today, this issue today, is really a part of the systematic effort to dismantle the woman's constitutional right to choose.

I shall not take time again to display the chart on the A to Z considerations. The point is made that what we have here is a taxpayers' issue and the focus is on what the subsidy is. There is Federal employment here, Mr. President, where the employees are giving valuable consideration, and part of what they are receiving is this health care plan. Part of the plan is being paid for by the employee themselves. The part which is being paid for by the Federal Government is really part of their consideration.

So we should put aside the business about taxpayers' dollars. It is really the consideration of the earning of the employees who ought to have the right to access abortion while that is the law of the land.

I reserve the balance of my time.

Ms. MOSELEY-BRAUN. Mr. President, in 1993, the U.S. Congress successfully restored full reproductive health benefits to Federal employees. We successfully overturned a gross overeach on the part of the Congress into the benefits package of Federal employees.

By moving to strike the committee amendment, Congress is again attempting to micromanage employee benefits in a way that exceeds its traditional role, and in a way that radically discriminates against women.

Congress has traditionally involved itself in issues of Federal pay. But until the Reagan administration, it had consistently left details related to the administration of employee benefits to the Office of Personnel Management.

This is as it should be. The majority of Americans believe that women should be able to privately choose whether or not an abortion is appropriate for her personal situation or circumstance without interference from Government. Two years ago, we removed the intrusion of politicians and politics from employee compensation issues.

I agree. I was sent to the U.S. Senate in part because the people of Illinois believe that women should be allowed to make their own private decisions. This amendment amounts to Government interference in the decisions of women who work for the Federal Government. In no way does Congress restrict health care benefits for men, Mr. President. Today we are not debating a proposal to limit a health care procedure that affects the reproductive health of men who work for the Federal Government. Congress does not mandate that men pay for a medically appropriate procedure from their own pocket. We are not talking about restricting medical coverage for vasectomies. We are not talking about restricting medical coverage for problems of the prostate. And we should not. Yet this amendment asks Congress to discriminate against women Federal employees by legislatively restricting their health benefits. This is simply wrong.

I am also very disturbed that women Federal employees are being denied a benefit that is available to most women who work in the private sector. It is common practice in the health insurance industry for private health care plans to cover complete reproductive services, including pregnancy, child birth, and abortion. Private health insurance companies do not play politics with women's health care. They allow women to choose the most appropriate health care for their situation and circumstance.

Approximately 9 million Federal employees, their dependents, and Federal retirees, depend on Federal benefits for their health insurance. Some 1.2 million women of reproductive age rely on

the Federal Employees Health Benefits Program.

There are a number of insurance plans that Federal employees can choose from, offered by a number of different insurance companies. Currently, 178 of the Federal employees health benefit programs offer abortion coverage; 167 of them do not. Two-thirds of private sector health plans offer abortion services. Seventy percent of HMO's offer abortion coverage. If Congress strikes this committee amendment, Federal employees are being denied a benefit which is part of the majority of benefits packages available to non-Government employees.

Federal employees pay a portion of the cost of their benefits. A Federal employee who chooses the Blue Cross/Blue Shield Federal benefits package pays $44.04 per month directly out of pocket. The balance of the premium is an earned benefit. It is compensation. Let me repeat that for those who may not understand—it is not a gift from the Federal Government to its employees; it is earned by those employees, including the women employees. Given that fact, to single out one procedure that her health care policy will not cover, even though she can choose a health plan that does not provide this procedure, is ridiculous.

The reality of this issue is that most women who choose to have an abortion do not use their insurance coverage to pay for it. Most women want to keep the matter private. But even if most women do not use these benefits, there is a matter of principle here. We should remove the intrusion of politicians and politics from employee compensation issues. The Congress should not be discriminating against women. The Congress should not be playing politics with women's lives. The women of Illinois sent me to the Senate to make sure that Congress stopped playing ''Father Knows Best.''

FEDERAL EMPLOYEES BENEFIT PROGRAM

Mr. KERRY. Failing in their efforts to make abortion illegal, opponents of abortion are trying to make it more deadly. The AMA has shown that funding restrictions that deter or delay women from seeking early abortions increase the likelihood that they will bear unwanted children, continue health-threatening pregnancies to term, or undergo abortion procedures that endanger their lives.

Abortion coverage is offered by over two-thirds of private health insurance plans, and just over half of the Federal Employee Health Benefits Plans [FEHBPs]. Approximately 1.2 million women of reproductive age rely on the FEHBP for their medical care. Because Congress has some measure of authority over the health benefits of this large pool of women, it is no surprise that abortion opponents target on it in their campaign to eliminate reproductive freedom.

A ban on abortion coverage under FEHBP is inconsistent with the treatment of all other health services, which are included or excluded by health plans based on decisions made by the plans themselves, not by Congress. It is, in this respect, an intrusion in to the operations of the free market about which some of the most ardent supporters of this amendment sermonize so often. Barring abortion coverage for women and families working for the Federal Government denies these individuals a benefit they would most likely be able to obtain if they worked for a private employer.

Let us not be confused by this debate into thinking that this ban would save money. In fact, it is an expensive ban, both financially—because the health risks associated with out-of-plan abortions and ordinary, let alone complicated, births are not slight—and socially. These dogged, exhaustive efforts to chip away at a woman's constitutional right to choose lead to anxiety about the security of all our precious, constitutionally guaranteed freedoms. This is an unnecessary, unfair attempt to attack a fundamental, legal right that applies only to women. I urge my colleagues to join me in defeating this ban, because it is ill-advised, expensive, inappropriate, and wrong.

Mr. BINGAMAN. Mr. President, I do not want to take much of the Senate's time this morning, but I would like to make a couple of points in support of the committee amendment to strike certain provisions of the House-passed bill.

If we must have this debate, I believe it is appropriate that we have it today, Saturday. Having the debate on the weekend will give more of the 1.2 million women who work for the Federal Government the opportunity to hear this discussion.

As women listen to this debate, I hope they are as disappointed and disgusted with it as I am. This debate strikes me as the height of arrogance.

We are here today, in our great benevolence, to decide which fundamental rights and what health benefits will be available to the 1.2 million women who work for the Federal Government.

Mr. President, there should not even be a debatable question here. Whether my colleagues on the other side like it or not, the Supreme Court has spoken: Women in this country have the fundamental right to choose.

The law, the right, and the privilege are clear. Whether or not to exercise that right is a personal decision. It is a decision to be made by a woman and her doctor, not by a group of 90 or so men in the U.S. Senate.

Mr. President, women who work for the Federal Government pay nearly 30 percent of their health care premiums. This is more than most workers in the private sector pay, when an employer agrees to provide health care coverage. In neither cases, the private or public sector, is health insurance coverage a fringe benefit. Health care coverage is part of an employee's compensation for service rendered to the employer; and for the past 2 years, Federal employees, like most workers in the private sector, have had the option of choosing a health plan that covers the full range of reproductive health services, including abortion.

Are we going to reverse this policy today? Are we going to issue a Draconian mandate, for purely political reasons, that applies only to women who work for the Postal Service, the Justice Department, the National Park Service, the Department of Labor, and the other branches of the Federal Government? For these women, are we in the Congress going to decide that reproductive health services includes every other health service except abortion? Are we saying to these women ''Sure, come work for the Federal Government. Devote yourself to public service—but don't forget to check your constitutional rights at the door.''

That is what this debate is about. It is an attempt by anti-choice Members of the Congress, who have failed to make abortion illegal, to make the fundamental right to choose more difficult, more expensive, and more dangerous.

Mr. President, this is just the first step. Today it is the hard working women in the Federal Government. Next, it will be Medicaid recipients and American Indian women who depend on the Indian Health Service for their health care. Then it will be family planning services, which millions of women and girls depend upon. And on and on and on, until the goal of the radical right is realized and abortion is made illegal.

This is the road we are on. Each Member of this body should understand this, and every woman in America should understand this.

Whose marching orders will we follow? Will we follow the extreme political agenda of the radical right, or will we follow the Constitution, as affirmed by the Supreme Court more than 20 years ago in Roe versus Wade? The Members of the House have already made their decision. They opted for the radical right. I sincerely hope my colleagues in the Senate have the wisdom to choose the other course.

We should uphold the Constitution. We should respect the fundamental right of every woman to reproductive choice, regardless of where she is employed, or whether she is employed. We should get out of this ridiculous business of micromanaging the lives and choices of hard-working Americans. And we should reject this blatant attempt to discriminate against women who work for the Federal Government and rob them of their fundamental right to choose.